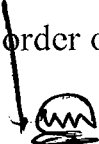


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1531/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2022	<p>The appeal of Mr. Waqas Masih presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>av</i></p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 1531/2022

Waqas Masih.....Applicant/Appellant

V E R S U S

District Judge and others.....Respondents


I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-5
2.	Application for condonation of delay with Affidavit		6-7
3.	Copy of Order dated 11-09-2015, Show Cause Notices & Replies	A & B	8-23
4.	Copy of Charge Sheet & reply	C & D	24-39
5.	Copy of Enquiry Report dated 04-03-2021	E	40-54
6.	Copy of Show cause Notice & reply	F & G	55-57
7.	Copy of decision dated 26-06-2021 & Order dated 01-07-2021	H	58-62
12.	Copy of Departmental appeal	I	63-67
13.	Copy of order dated 17-04-2021	J	68
14.	Vakalat Nama		69

Dated:-24-10-2022

Appellant

Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar
Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Waqas Masih, (Moharrir) Son of James Masih, Judicial Complex
District Swabi

.....Appellant

V E R S U S

1. District & Sessions Judge Swabi.
2. Registrar, Peshawar High Court, Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE DECISION DATED 26-06-2021 ISSUED
VIDE ORDER DATED 01-07-2021 PASSED BY
RESPONDENT NO 1 WHEREBY THE APPELLANT HAS
BEEN AWARDED THE PENALTY OF WITH-HOLDING
OF INCREMENT FOR TWO YEARS AND AGAINST
WHICH DEPARTMENTAL APPEAL OF THE APPELLANT
HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF
MORE THAN THE STATUTORY PERIOD OF NINETY
DAYS

PRAYER:-

On acceptance of this appeal the impugned decision dated 26-06-2021 issued vide Order dated 01-07-2021 of respondent No 1 may kindly be set aside and the with-held increments may kindly be restored to the appellant with all back benefits.

Respectfully Submitted:-

1. That the appellant was appointed as Sweeper in District Judiciary Swabi in the year 2003 who during long service career performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant was posted to Copying Branch Sessions Division, Swabi by the competent authority vide Office Order dated 11-09-2015 and on 19-02-2016, Show Cause Notice was issued to the appellant along with one Imran Ullah Moharrer Copying Branch on the allegations, that they issued attested Vakalat Namas to one Syed Mubashir Shah Advocate in number of decided cases, who appeared as candidate for appointment as Additional District & Sessions Judge, while original of the same were not available on record which they replied in detail refuting the allegations. Preliminary inquiry was conducted, on the basis of which departmental proceedings were initiated against the said officials. **(Copy of Order dated 11-09-2015, Show Cause Notices & Replies are enclosed as Annexure A & B).**
3. That Charge Sheet was issued to the appellant and said Imran Ullah on the allegations that on 08-08-2015, he while on duty during Summer, issued attested copies of Vakalat Namas of Syed Mubashir Shah Advocate in number of decided cases, by putting/forging thereon the signatures of Imran Ullah Moharrir/Incharge, Copying Branch, Sessions Divisions Swabi and that too with his (Imran Ullah) connivance, the appellant replied the same refuting the allegations. **(Copy of Charge Sheet & reply therein is enclosed as Annexure C & D).**
4. That there after an illegal inquiry was conducted, during which the file also got misplaced, wherein opportunity of cross examination was not afforded to the appellant, under the rules the appellant was proceeded against. The inquiry officer recommended exoneration of the said Imran Ullah with further recommendations that the appellant cannot be absolved straightaway however keeping in view the peculiar circumstances the appellant deserves of leniency.

(Copy of Enquiry Report dated 04-03-2021 is enclosed as Annexure E).

5. That there after Show Cause Notice was issued to the appellant on 16-04-2021 which the appellant replied in detail again refuting the allegations. **(Copy of Show cause Notice & reply therein is enclosed as Annexure F & G).**
6. That without considering the reply, record, facts and circumstances, the appellant was awarded the penalty of with-holding of increments for two years with effect from December 2021, by respondent No 1 vide impugned decision dated 26-06-2021 which was issued vide Order dated 01-07-2021. **(Copy of decision dated 26-06-2021 & Order dated 01-07-2021 is enclosed as Annexure H).**
7. That the appellant filed departmental appeal which has not been decided so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental appeal is enclosed as Annexure I).**
8. That the impugned decision dated 26-06-2021 which was issued vide Order dated 01-07-2021, is against the law, facts and principles of justice on grounds inter-alia as follows:-

G R O U N D S :-


- A.** That the impugned decision dated 26-06-2021 which was issued vide Order dated 01-07-2021 is illegal, unlawful, without lawful authority and hence void ab-initio.
- B.** That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C.** That the charges leveled have never been substantiated, no evidence was collected in this respect, hence the impugned order is liable to be set at naught.

- D. That the appellant being sweeper was performing duties in Sessions Court and the story to rope the appellant in the matter, has been manipulated by the officials of the copying branch in order to save their skin as such there is commission or commission on part of the appellant and he has been made scape goat.
- E. That obtaining attested copies involve various stages and the same has to pass many hands, including approval of application by the Superintendent, submission of approved application with incharge record room, its entry, searching the concerned file, getting its photocopies, entry of particulars on the photocopies, its comparison with original ones and thereafter getting the same attested. The appellant had nothing to do with all these stages, he only handed over the already checked attested copies to the applicant but even then all other officials were exonerated while only the appellant was targeted which speaks of anything but not fair and bonafide.
- F. That there is no malafide, ill well or allegations of any other sort including monetary or otherwise against the appellant.
- G. That the Vakalatnamas produced before the appellant also contain signature of presiding officer besides the Superintendent and officials of mohafiz khana were not proceeded which also speaks volumes of malice.
- H. That the appellant never photocopied the subject Vakalatnamas, nor entered particulars upon the same, rather the same were mentioned upon the said Vakalatnamas before the same were brought for attestation.
- I. That the appellant has been discriminated as others proceeded along the appellant have been acquitted/exonerated while only the appellant has been punished. **(Copy of order dated 17-04-2021 is enclosed as Annexure J).**

- J. That no one was examined in presence of the appellant nor was the appellant afforded opportunity of personal hearing in violation of Govt. Servants (E & D) Rules 2011 besides principles of natural justice.
- K. That the appellant was not afforded opportunity of personal hearing.
- L. That the appellant has about 19 years of service with unblemished service record.
- M. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal. Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-24-10-2022

Appellant
 Through 
Fazal Shah Mohmand
 Advocate,
 Supreme Court of Pakistan

LIST OF BOOKS

- 1. Constitution 1973.
- 2. other books as per need

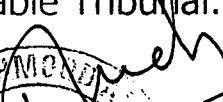

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

AFFIDAVIT

I, Waqas Masih, (Moharrir) Son of James Masih, Judicial Complex District Swabi, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Waqas Masih.....**Applicant/Appellant**

V E R S U S

District Judge and others.....**Respondents**

Application for condonation of delay if any

Respectfully Submitted:-


1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That departmental appeal of the appellant is still pending before respondents besides the issue in hand is of financial implications construing recurring cause of action.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-24-10-2022


Appellant

Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Waqas Masih.....**Applicant/Appellant**


V E R S U S

District Judge and others.....**Respondents**

AFFIDAVIT

I, Waqas Masih, (Moharrir) Son of James Masih, Judicial Complex District Swabi, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Waqas Masih
24-10-22



[Signature]
DEPONENT

(8)
Annex A-A

OFFICE OF DISTRICT & SESSIONS JUDGE, SWABI

OFFICE ORDER:

Pursuant to the directives of the august Peshawar High Court, Peshawar communicated vide letter No. 10349-373/Admn/MIT, dated: 31.08.2015, the following postings/transfers are hereby ordered in the interest of public service with immediate effect.

S.No	Official Name	From	To	Remarks
1.	Mr. Ashiq Ali, Assistant/Reader	Court of ASJ-III, Swabi	Court of District & Sessions Judge, Swabi	ASJ-II 21/5/21
2.	Mr. Laiq Khan, Assistant/C.O.C	Senior Civil Judge, Swabi	Court of ASJ-III, Swabi	Posted as Reader
3.	Mr. Phool Bacha, Assistant/Reader	Court of Judicial Magistrate-II, Swabi	Senior Civil Judge, Swabi	Posted as C.O.C
4.	Mr. Khair-ul-Ibrar, Assistant/Reader	Court of Judicial Magistrate-III, Lahor	Court of ASJ, Lahor	
5.	Mr. Riaz Ahmad, Assistant/Reader	Court of ASJ-IV, Swabi	Court of ASJ-II, Swabi	
6.	Mr. Waqar Alam, Assistant/Reader	Court of Civil Judge- VII, Swabi/Vacant	Court of ASJ-IV, Swabi	
7.	Mr. Muhammad Islam, Senior Clerk/Reader	Civil Judge-IV, Swabi	Judicial Magistrate- II, Swabi	
8.	Mr. Niaz Muhammad, Senior Clerk/Reader	Civil Judge-VI, Swabi	Judicial Magistrate-I, Lahor	
9.	Mr. Muhammad Saleem, Senior Clerk/Reader	Court of Judicial Magistrate-I, Lahor	Court of Civil Judge- VI, Swabi	
10.	Mr. Dur-e-Maqnoon, Senior Clerk/Reader	Judge Family Court, Swabi	Civil Judge-IV, Swabi	
11.	Mr. Muhammad Arif, Senior Clerk/Reader	Court of District & Sessions Judge, Swabi	Judge Family Court, Swabi	
12.	Mr. Javed Iqbal, Senior Clerk	Information Kiosk, Swabi	Incharge Record Room Swabi	
13.	Mr. Muhammad Tariq, Senior Clerk	Incharge Record Room Swabi	Incharge Information Kiosk Swabi	
14.	Mr. Khalid Mehmood, Senior Clerk/Reader	Court of ASJ-II, Swabi	Court of Judicial Magistrate-I, Swabi	
15.	Mr. Sajjad Ali, Assistant/Reader	Court of ASJ, Lahor	Incharge Copying Branch Lahor	
16.	Mr. Sabz Ali, Stenographer	Court of District & Sessions Judge, Swabi	Assistant to Superintendent Sessions Division, Swabi	
17.	Mr. Riaz Muhammad, Stenographer	Court of Civil Judge- VII, Swabi/Vacant	Court of Civil Judge- I, Swabi	
18.	Mr. Gulzar Ali, Steno-typist	Court of Judicial Magistrate-III, Lahor/vacant	Court of Judicial Magistrate-II, Lahor	
19.	Mr. Wahid Zaman, Steno-typist	Court of Civil Judge- VII, Swabi	Court of Senior Civil Judge, Swabi	

15 JUL 2021
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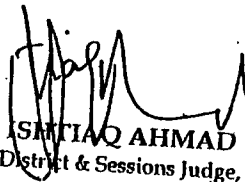
S.No	Official Name	From	To	Remarks
20.	Mr. Muhammad Ilyas, Computer Operator	Court of ASJ-III, Swabi	Court of ASJ-II, Swabi	
21.	Mr. Muhammad Aqeel Azam, Computer Operator	Court of ASJ-II, Swabi	Court of ASJ-III, Swabi	
22.	Mr. Izhar Ali, Computer Operator	Court of ASJ-IV, Swabi	Court of Senior Civil Judge, Swabi	
23.	Mr. Zar Bahadur, Computer Operator	Court of Civil Judge- VI, Swabi	Court of ASJ-IV, Swabi	
24.	Mr. Fajz-ur-Rehman, Computer Operator	Court of Senior Civil Judge, Swabi	Court of Civil Judge- VI, Swabi	
25.	Mr. Muhammad Idrees, Computer Operator	Court of Civil Judge- VII, Swabi/vacant.	Court of ASJ-III, Swabi	
26.	Mr. Zohaib Khan, Computer Operator	Court of Judicial Magistrate-I, Swabi	Copying Branch, Sessions Court, Swabi	Attached with Copy Clerks
27.	Mr. Tamim Shah, Computer Operator	Court of Judicial Magistrate-III, Lahor	Court of Judicial Magistrate-I, Swabi	
28.	Mr. Muhammad Tariq, Junior Clerk/Muharrir	Court of District & Sessions Judge, Swabi	Court of ASJ-II, Swabi	
29.	Mr. Muhammad Anwar, Junior Clerk/Muharrir	Court of ASJ-II, Swabi	Court of District & Sessions Judge, Swabi	
30.	Mr. Islam Bahadur, Junior Clerk/Muharrir	Court of ASJ-III, Swabi	Court of Judicial Magistrate-I, Swabi	
31.	Mr. Imran Ullah, Junior Clerk	Copying Branch	Court of ASJ-III, Swabi	Posted as Muharrir
32.	Mr. Kaleem Ullah, Junior Clerk/Muharrir	Court of ASJ-II, Swabi	Court of Judicial Magistrate-II, Swabi	
33.	Mr. Rukhsar Ahmad, Junior Clerk/Muharrir	Court of Judicial Magistrate-II, Swabi	Court of ASJ-II, Swabi	Posted as Civil Muharrir
34.	Mr. Arshid Ali, Junior Clerk/Muharrir	Court of Judicial Magistrate-I, Swabi	Examiner at Copying Branch, Swabi	
35.	Mr. Muhammad Arif, Junior Clerk/Muharrir	Court of Judicial Magistrate-I, Swabi	Court of ASJ, Lahor	
36.	Mr. Khalid Mehmood, Junior Clerk/Muharrir	Court of Senior Civil Judge, Swabi	Court of Civil Judge- III, Swabi	
37.	Mr. Manzoor Hussain, Junior Clerk/Muharrir	Civil Judge-III, Swabi	Court of Senior Civil Judge, Swabi	
38.	Mr. Muhammad Inatiaz, Junior Clerk/Reader	Court of ASJ, Lahor	Posted at Record Keeper, Record Room, Swabi	As Assistant Record Keeper
39.	Zahid Jhang, Junior Clerk/Muharrir	Court of Civil Judge- IV, Swabi	Court of Civil Judge- I, Swabi	
40.	Mr. Faqir Gul, Junior Clerk/Muharrir	Court of Civil Judge- I, Swabi	Court of Civil Judge- IV, Swabi	
41.	Mr. Muhammad Imran, Junior Clerk/Muharrir	Judge Family Court, Swabi	Court of Judicial Magistrate-II, Swabi	

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OFFICE OF THE
JUDGE
MAGISTRATE-II
SWABI
21/05/2011

S.No	Official Name	From	To	Remarks
42.	Mr. Qismat Ali, Junior Clerk/Muharrir	Court of Judicial Magistrate-II, Lahor	Examiner at Copying Branch, Lahor	
43.	Mr. Muhammad Farooq, Junior Clerk/Muharrir	Court of Judicial Magistrate-II, Swabi	Judge Family Court, Swabi	
44.	Mr. Muhammad Arif, Junior Clerk	Record Room General	Court of Judicial Magistrate-I, Swabi	Posted as Muharrir
45.	Mr. Anwar Zeb, Junior Clerk/Muharrir	Court of Judicial Magistrate-I, Swabi	Copying Branch, Swabi	Assistant Examiner
46.	Mr. Qaisar Ali, Junior Clerk/Muharrir	Copying Branch, Swabi	Assistant Record Room General, Swabi	
47.	Mr. Farhad Ali, Junior Clerk/Muharrir	Court of Civil Judge- VII, Swabi/vacant	Copying Branch, Swabi	Assistant Examiner
48.	Mr. Irfan Ali, Naib Qasid	Court of District & Sessions Judge, Swabi	Superintendent Office, Sessions Division, Swabi	
49.	Mr. Amjid Iqbal, Naib Qasid	Superintendent Office, Sessions Division, Swabi	Court of District & Sessions Judge, Swabi	
50.	Mr. Ishaq Ali, Daftari	Record Room General, Swabi	Copying Branch Swabi	
51.	Mr. Muhammad Asif, Naib Qasid	Court of Civil Judge- VII, Swabi	Record Room General, Swabi	
52.	Mr. Momin Khan, Naib Qasid	Court of Judicial Magistrate-III, Lahor	Court of ASJ-III, Swabi	
53.	Mr. Amjid Ali, Water Carrier	Court of Civil Judge- III, Swabi	Posted as Water Carrier with the direction to look after all the water-pumps as well as to keep liaison with tube-well operators	
54.	Mr. Waqas Maseeh, Sweeper	Copying Branch Swabi	Court of District & Sessions Judge, Swabi	Relieved from copying branch

Not:- Charge handing & taking over exercise must be completed with due care within 04 days.

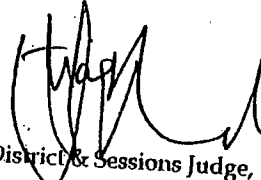

SM TIAQ AHMAD
District & Sessions Judge,
Swabi

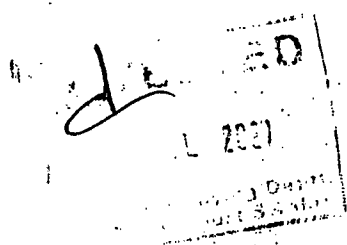
Endst:- 1636-59 / (F-1)/D&SJ


Dated Swabi the 11/09/2015

Copy forwarded for information to:

1. Registrar, Peshawar High Court, Peshawar.
2. All concerned courts for compliance.
3. All concerned officials for compliance.
4. Office.


District & Sessions Judge,
Swabi


2015


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مورخہ: 19-2-2016

نمبر (F41) 1106

10

B

نوٹس اٹا ہار وجوہ

Annex "B"

عنوان: جواب طلبی ازاں عمران اللہ محرر نقول برانچ (حال محرر عدالت ASJ-III صوابی)
ہر گاہ بروئے مصدقہ نقولات وکالت نامہ ہائے برائے مسی سید مبشر شاہ ایڈوکیٹ صوابی جو کہ پشاور ہائی
کورٹ پشاور سے برائے تصدیق موصول شدہ تھے، بعد از تصدیق معلوم ہوا کہ مصدقہ نقولات وکالت نامہ
ہائے جو کہ تم نے اپنے زیر دستخط تصدیق کرائے ہیں۔ گراصل متعلقہ امثلاجات پر موجود نہ ہیں۔ بادی انظر
میں ظاہر ہوتا ہے کہ تم بھی اس غیر قانونی حرکت میں ملوث ہو۔ جو forgery کے ذمہ میں آتا ہے۔

اسلئے بذریعہ نوٹس ہذا اس بابت اپنا تحریری جواب اندر 7 یوم دفتر ہذا کو پیش کریں کہ کیوں نہ تمہارے
خلاف بدیں وجہ کاروائی زیر 2011 Khyber Pakhtunkhwa (E&D) Revised Rules
میں لائی جائے۔ بصورت عدم ادخال تحریری جواب یکطرفہ کاروائی عمل میں لائی جائے گی۔ اور تصور ہوگا کہ
تمہارے پاس دفاع کی کوئی دلیل موجود نہ ہے۔

اشتیاق احمد
ڈسٹرکٹ اینڈ سیشن جج، صوابی
District & Sessions Judge
SWABI

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19/7/16
موصول شد

ATTESTED
15 JUL 2021
Examiner Copy Deptt.
Sessions Court Swabi

عنوان: جواب طلبی ازاں وقاص مسج خاکروب نقول برانچ سیشن کورٹ صوابی

ہر گاہ بروئے مصدقہ نقولات مجریہ وکالت نامہ ہائے برائے مسی سید مبشر شاہ ایڈوکیٹ صوابی جو کہ پشاور ہائی کورٹ پشاور سے برائے تصدیق موصول شدہ تھے، بعد از تصدیق معلوم ہوا کہ مصدقہ وکالت نامہ ہائے جو کہ تم نے اپنے زیر نگرانی فوٹو نقل کروا کر مسی عمران انچارج نقول برانچ سے برائے تصدیق دستخط کروائے۔ مگر اصل متعلقہ املاجات پر موجود نہ ہیں۔ بادی النظر میں ظاہر ہوتا ہے کہ تم بھی اس غیر قانونی حرکت میں ملوث ہو۔ جو forgery کے ذمہ میں آتا ہے۔

اسلئے بذریعہ نوٹس ہذا اس بابت اپنا تحریری جواب اندر 7 یوم دفتر ہذا کو پیش کریں کہ کیوں نہ تمہارے خلاف ہدی وجہ کارروائی زیر Khyber Pakhtunkhwa (E&D) Revised Rules 2011 عمل میں لائی جائے۔ بصورت عدم ادخال تحریری جواب یا طرفہ کارروائی عمل میں لائی جائے گی۔ اور تصور ہو گا کہ تمہارے پاس دفاع کی کوئی دلیل موجود نہ ہے۔

الاشتیاق احمد
ڈسٹرکٹ اینڈ سیشن جج، صوابی
District & Sessions Judge
SWABI

ATTESTED
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19/02/16
19/02/16

ATTESTED
15.02.2016
Examine Copying Dept.
Sessions Court Swabi

بیت صفا - دستخط سندہ سائنس بورڈ

صفا - علی

کوآرڈینیٹس نمبر (1106) 1106 2/18 کا نمبر ہے
جوڑی ہوئی گھوڑی

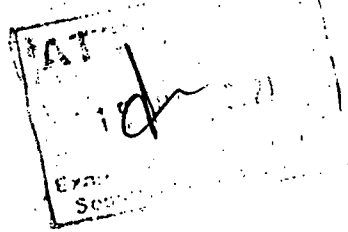
یہ کہ جن نام پر حکایت نامے مذکورہ نوٹس ہو گا
عدت نقل جاری کئے گئے ہیں ان دنوں دو سیم گرام کی
عام تعلیمات لئی آرڈر میں سائنس چھٹی مرتبہ

یہ کہ حکایت نامے مذکورہ مذکورہ سائنس دانوں کے ہیں کہ
نہ یہ ان کے عدت نقل جاری کئے گئے ہیں

یہ کہ برائے ثبوت نقل ذہنی دستخط نقل و دستخط
نقل و حکایت نامے مذکورہ نوٹس ہو گا عدت جوڑی ہو گا

گنبد نمبر 1106 جوڑی ہوئی سائنس گھوڑی آرڈر
اس کے نام سے آرڈر کے خلاف جاری کردہ نوٹس و نقل
دستخط و نام کار دستخط سائنس

اس کے نام سے آرڈر کے خلاف جاری کردہ نوٹس و نقل



25/02/2016

ATTESTED
TO BE TRUE COPY

جناب عالی! جواب طلبی کوالہ حکم نمبر (F41) 1107 مورخہ 19/2/2016ء عیناً سائل حسب ذیل طریقے سے

(1) یہ کہ من سائل سال 2003 سے عربیہ امرابی میں بطور خاندانہ تعینات ہوا تھا۔

(2) یہ کہ من سائل ہندی عربیہ میں زیر نگرانی افسران گذشتہ بارہ سال سے حسب منشاء افسران نقول برائج امرابی میں اپنے فرائض منصبی سر انجام دیتا ہے۔

(3) یہ کہ مورخہ 8/8/05ء کو من سائل اپنی ڈیوٹی نقول برائج میں حسب معمول سر انجام دے رہا تھا۔

(4) یہ کہ مورخہ 8/8/05ء کو آفیس کلرک ایڈووکیٹ نے من سائل کو تصدیق شدہ Allowance سپرنٹنڈنٹ امرابی کے نقل فارم کا photostate وکالت نامے میں پر حافظ خان کے مقدمہ میں رجسٹرڈ فیصلہ گو شوارہ و مولہ رج شدہ برائے تھریٹیشن کئے۔ یہ ملاحظہ نقل فارم و وکالت نامے معلوم ہوا کہ نقل فارم کو حسب منابطہ سپرنٹنڈنٹ امرابی نے

Attested
15 Jul 2021
Sd/-
Deputy Magistrate
Court Sahib

P-T-0

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اور وکالت نامے مذکورہ پر بیج صاحب کا دستخط
کر رہے ہیں۔
فیصلہ، گورنمنٹ اور سوارہ و جوائنٹ فیصلہ
سائل نے ان سے وکالت ناموں کو نیک نیتی سے
تھریق کر کے ہیں۔

(5) یہ کہ وکالت ناموں کو من سائل نے photocopy
نہیں کیا ہے اور نہ ان پر کوائف کا اندراج کیا ہے۔
کیونکہ وکالت ناموں پر پہلے سے سالم کوائف بمطابق
نقل فام درج تھے۔

(6) یہ کہ وکالت نامے مذکورہ بابت فیصلہ شدہ
مقرعات ہیں جو کہ حسب روایت سپرنٹنڈنٹ
صاحب کا تھریق شدہ نقل فام محافظ خانے جا کر
محافظ خانے کے اہلکاران اسکی photocopy کر کے
کوائف، فقرہ نمبر، رجوع فیصلہ و گورنمنٹ درج
کر کے بلا اہل ریکارڈ / اخراجات نقول برائے
میں پیش کروائے ہیں اور اسی طرح وکالت ناموں
مذکورہ پر یہ فقرہ نمبر، رجوع فیصلہ، گورنمنٹ
درج تھا اور اہل اخراجات من سائل کر
حسب روایت پیش نہیں کر گئے تھے مگر تھریق
شدہ نقل فام اور وکالت ناموں مذکورہ پر
سالم اندراجات درج شدہ اہلکاران محافظ

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P-T-5

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خانہ درست تصور کرنے نیک نیتی سے تصدیق

کرنے حوالہ آہفے کلرز کرنے، آہفے سے رجسٹر
ریکارڈ میں دستخط لگے۔

(7) یہ کہ سید عبید اللہ شاہ ایڈووکیٹ ایک سینئر
وکیل ہیں لہذا ان کے کلرز سے کسی قسم کی غیر قانونی
حرکت کی توقع نہیں تھی۔ اور وکالت ناموں پر
ساماندرجات اور نقل فاقم کو درست پاکر تصدیق
کئے ہیں جس میں سے مسائل کا کسی قسم کا لالچ،
کوٹاہی اور غفلت نہیں تھی۔

(8) یہ کہ وکالت نامہ مقدمہ نمبر $\frac{18}{6}$ بد نقل فاقم

6362، گوشوارہ 1325 کی تصدیق

میں مسائل نے نہ کی ہے۔ اور نہ ہی میں مسائل کو اسکا علی ہے۔

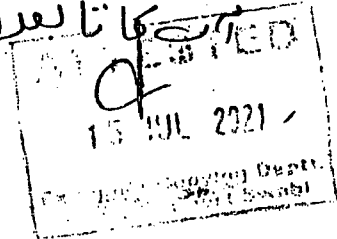
(9) یہ کہ میں مسائل دوران ملازمت نے گزشتہ بارہ سال

سے نقولہ برائے میں ڈیوٹی سرافام دی ہے اور
اپنے فرائٹن انتہائی ذمہ داری سے نبھائے ہیں
اور اب تک افسران بالا کی کسی قسم کی شکایت
کا موقع نہ دیا ہے۔ اور نہ کبھی آئندہ دے گا۔

پسند استعدایہ کہ میں مسائل کی گزارشات کو
غور فرما کر میں مسائل کو بری الزم قرار دیا
جائے۔ محمد عمر دعا گو رہوں گا۔

قریبی 25/7/2021

کاماتالعدار - محمد عمر دعا گو رہوں گا۔



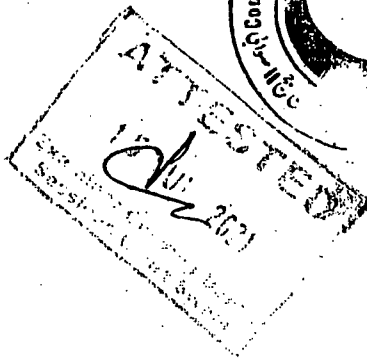
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Order No.07
23.06.2016

Delinquent officials Imran Ullah and Waqas Maseeh present. Riaz Muhammad, Assistant, Superintendent Office, Sessions Court, Swabi also present. Statement of Riaz Muhammad recorded which is available on file. As per directions of learned District & Sessions Judge, preliminary enquiry was conducted against the delinquent officials wherein statements of accused officials and that of representative of department were recorded and relevant record was scrutinized. Perusal of the record and statements available on file would show that, prima facie, case against the delinquent officials exist which require full-fledged inquiry against them under the relevant rules, therefore, with this observation, the preliminary inquiry file is sent to the Hon' able Sessions Judge, Swabi for necessary order. Muharrir of this court is directed to do the needful accordingly.

Asif Rashid

Asif Rashid,
Inquiry Officer/AD&SJ-II,
Swabi



Asif Rashid

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Order No.03
13.04.2016

The delinquent officials Imranullah, Junior clerk/Muharrir and Waqas Maseeh, Sweeper are present. Similarly Superintendent of this court is also present and is directed to appear before the court along with the relevant record on the next date fixed and file to come up for recording their separate statements on 27/4/16

A. S.
Asif Rashid
Inquiry Officer/
AD&SJ-II, Swabi

Order No.04
27.04.2016

The delinquent officials Imranullah and Waqas Maseeh are present. Similarly, Superintendent of this court is also present. Due to rush of work and engagement in other criminal cases, statements of the officials have not been recorded. Adjourned and put up for recording their statements on 21/5/16

A. S.
Asif Rashid
Inquiry Officer/
AD&SJ-II, Swabi

Order No.05
21.05.2016

The delinquent officials Imranullah and Waqas Maseeh are present. Due to rush engagement in other criminal work statements of the officials could not be recorded. Adjourned and put up for recording their statements on 15/6/16

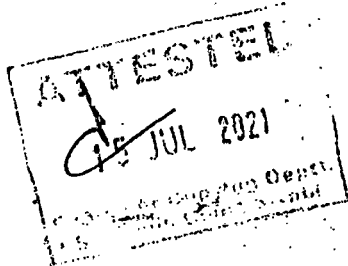
A. S.
Asif Rashid
Inquiry Officer/
AD&SJ-II, Swabi

Order No.06
15.06.2016

The delinquent officials Imranullah and Waqas Maseeh are present and their statements have recorded. Superintendent, Sessions Courts, Swabi be required to produce the relevant record on 23/6/16

A. S.
Asif Rashid
Inquiry Officer /
AD&SJ-II, Swabi

W.S.
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17

From:

Asif Rashid,
Additional Sessions Judge-II,
Swabi.

To:

The hon'ble,
District & Sessions Judge,
Swabi

Subject:

SUBMISSION OF INQUIRY RECORD.

*Enquiry is
initially
2 he be issued
with charge sheet
& entrusted
to learned
ASJ-II Swabi
for enquiry in
accordance
with B&D
rules 2011
as per
mine
specification
in the
rules.
20/3/17*

Respected Sir,

This matter pertains to the attestation of Wakalat-namas of the candidates who have applied to the august Peshawar High Court, Peshawar for appointment as Additional District & Sessions Judges. During the course of verification process of wakalat-namas, it was revealed that attested copies of some of the wakalat-namas have been issued from Copying Branch to the intended candidates, however, record of these wakalat-namas, on verification could not be found in the relevant case files. The Office of District & Sessions Judge after completing the verification process transmitted the relevant record to this court on verbal direction of learned District & Sessions Judge, Swabi. At the same time, preliminary inquiry was ordered against the delinquent officials namely Muhammad Imran and Waqas Maseeh which was entrusted to the undersigned for doing the needful against the above mentioned delinquent officials. The undersigned after conducting preliminary inquiry against the delinquent officials submitted inquiry report to your good-self. Since the record is no

ATTESTED
15 JUN 2016
District & Sessions Judge
Swabi

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more required to this office, therefore, the same is sent herewith for further appropriate orders. The detail of the record is given below

1. Detail of Case Files

Case No.	Date of Institution	Date of Decision	Date of consignment	Goshwara No.
18/SPL	25.06.2010	30.06.2011	26.07.2011	1343
17/SPL	12.06.2010	27.06.2011	02.07.2011	1129
32/SPL	24.09.2010	13.08.2011	22.08.2011	1459
22/SPL	16.02.2012	20.09.2012	28.09.2012	1370
25/SPL	07.09.2010	15.07.2011	26.07.2011	1342
122/SC	15.06.2009	04.02.2010	22.02.2010	170
121/SC	15.08.2009	04.02.2010	22.02.2010	168
123/SC	15.06.2009	04.02.2010	22.02.2010	172
857/3	22.07.2008	19.11.2008	25.11.2008	5546
156/FC	22.06.2010	13.10.2010	28.10.2010	3271
35/FC	14.03.2009	06.04.2010	21.04.2010	1321
31/13-FC	08.11.2010	15.03.2011	29.03.2011	265
156/FC-Neem	22.06.2010	21.11.2011	30.11.2011	3700
120/BA	12.08.2010	13.08.2010	18.09.2010	1476
6/BA	07.01.2010	09.01.2010	18.01.2010	88
15/6	26.03.2010	01.04.2010	05.04.2010	519

2. Applications for obtaining attested copies

Application No.	Date
6321	08.08.2015
6318	08.08.2015
6319	08.08.2015
6341	08.08.2015
6360	08.08.2015
6334	08.08.2015
6322	08.08.2015
6320	08.08.2015
6375	08.08.2015
6369	08.08.2015
6371	08.08.2015
6367	08.08.2015
6365	08.08.2015
6364	08.08.2015
6376	08.08.2015
6373	08.08.2015
6372	08.08.2015
6374	08.08.2015
6362	08.08.2015

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 15 JUL 2021
 District Collector Deptt.
 District South

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Application No.	Date
6366	08.08.2015
6368	08.08.2015
6370	08.08.2015
6361	08.08.2015
6363	08.08.2015
6385	08.08.2015
6384	08.08.2015
6383	08.08.2015
6382	08.08.2015
6381	08.08.2015
6380	08.08.2015
6379	08.08.2015
6377	08.08.2015
6378	08.08.2015
6607	13.08.2015
6604	13.08.2015
6609	13.08.2015
6610	13.08.2015
6611	13.08.2015
6612	13.08.2015
6613	13.08.2015
6577	12.08.2015
6580	12.08.2015
6587	12.08.2015
6590	12.08.2015
6596	12.08.2015
6601	13.08.2015
6603	13.08.2015
6588	12.08.2015
6583	12.08.2015
6589	12.08.2015
6582	12.08.2015
6584	12.08.2015
6586	12.08.2015
6578	12.08.2015
6579	12.08.2015
6404	10.08.2015
6574	12.08.2015
6575	12.08.2015
6576	12.08.2015
6602	13.08.2015
6600	13.08.2015
6599	13.08.2015
6457	10.08.2015
6455	10.08.2015
6454	10.08.2015
6453	10.08.2015
6446	10.08.2015
6452	10.08.2015
6442	10.08.2015
6456	10.08.2015
6451	10.08.2015
6450	10.08.2015
6449	10.08.2015
6444	10.08.2015
6448	10.08.2015
6443	10.08.2015
6441	10.08.2015
6437	10.08.2015
6436	10.08.2015

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Application No.	Date
6311	06.08.2015
6317	07.08.2015
6314	07.08.2015
6302	05.08.2015
6310	06.08.2015
6425	10.08.2015
6387	10.08.2015
6260	01.08.2015
6305	05.08.2015
6458	10.08.2015
6439	10.08.2015
6440	10.08.2015
6280	04.08.2015
6304	05.08.2015
6303	05.08.2015
6281	04.08.2015
6426	10.08.2015
6428	10.08.2015
6430	10.08.2015
6429	10.08.2015
6427	10.08.2015
1421	16.02.2016
1424	16.02.2016
1425	16.02.2016
1426	16.02.2016
1422	16.02.2016
1423	16.02.2016
1441	17.02.2016
1487	17.02.2016
1488	17.02.2016
1771	25.02.2016
1769	25.02.2016
1768	25.02.2016

3. Attendance Register, Superintendent Office, District & Sessions Judge, Swabi.
4. Applications Register (رجسٹر اندراج درخواست نقولات)
No. 5236 dated: 15.06.2015 to No.7128 dated: 02.09.2015
5. File No. F-12/2015 for Summer/Winter Vacation containing interalia Duty List/Roster Staff Members during Summer Vacation-2015 issued under the signature of Superintendent, Sessions Court, Swabi.

Submitted in sealed form as required and acknowledge the receipt, please.



Asif Rashid
Addl: District & Sessions Judge-II,
Swabi

Encl: a.a

TESTED
15 JUL 2021
The District Judge
Sessions Court Swabi

Page No. 4 of 4


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Statement of Imranullah Copyist Copying Branch, Sessions Courts, Swabi at present Muharrir to Additional Sessions Judge-III, Swabi on oath:-

During those days I was posted as Copyist Sessions Courts, Swabi. The photocopies issued during summer vacations during which days I was availing summer vacations. Neither I have issued the photocopies of the wakalatnama nor the same have been signed by me. The photo copy of duty roaster and copy of the attendance register are available on file. I am innocent and request that inquiry pending against me may kindly be consigned without further proceedings to the record room.

RO & AC
15.06.2016



Asif Rashid
Inquiry Officer/
AD&SJ-II, Swabi

Statement of Waqas Maseeh Sweeper, Sessions Courts, Swabi on oath:-

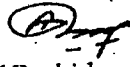
I have been appointed as Sweeper in the year 2003 and in the direct supervision of Judicial Officers I have continued working in the Copying Branch for the last 12-years. On 11.09.2015 I have been transferred to the Court of Sessions Judge, Swabi regarding which copy of "Transfer Order" is produced which is marked as "Mark A" consisting on 2-sheets. I have been assigned duty of copying of pending cases from original files and with permission of officers due to rush of work I was attesting the said photo copies. Similarly, the officials posted at Record Room, were making copies of the decided cases and were mentioning particulars of the cases over those copies and after getting allowed the application, in absence of the original files, the photocopies were attested. On 08.08.2015, Clerk to Syed Mubashir Shah Advocate namely Asif produced an application being allowed by the then Superintendent along with Photostats of the wakalatnamas bearing case numbers, dates of institution, dates of decision, Goshwara and date of consigning to the record room, attested the same, after getting allowed the application by the Superintendent I have attested Photostats and handed over the said Photostats to Asif clerk to Advocate. I have not attested the

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5 JUL 2021
Sd/-
Inquiry Officer
AD&SJ-II Swabi

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10.08.2015

copy of wakalatnama in case No.18/6, Goshawar No.1325/2012. As the photocopies of wakalatnama were of the Senior Advocate Syed Mubashir Shah Advocate therefore, without any vagueness I attested the photocopies. For the last 12-years I have worked in the Copying Branch with permission of the Officers till 11.09.2015 honestly and never provided any opportunity for objection.

RO & AC
15.06.2016


Asif Rashid
Inquiry Officer/
AD&SJ-II, Swabi


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16 JUL 2021
INQUIRY DEPT
SWABI

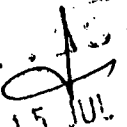
Statement of Riaz Muhammad, Assistant/English Clerk Sessions Court, Swabi on oath:-

I am working as Assistant/English Clerk in the office of the Superintendent, Sessions Division, Swabi 2013. As per record of this office, duty list/roaster of staff members during summer vacation 2015 was signed by the then Superintendent (Gohar Muhammad Sajjad) Sessions Court, Swabi, wherein duty of staff was scheduled from 22 July to 11 August 2015, copy of the said roaster is already enclosed as Ex. Ex.PA. while copy of attendance register is also enclosed as Ex.PB. The issue regarding the attestation of wakalatnama was received by this office and the same was put up before the Hon' able District & Sessions Judge, Swabi for further proceedings regarding verification as directed by the Hon' able Peshawar High Court, Peshawar. During the course of verification of wakalatnamas, it appears that wakalatnamas received by this office are not available on original court file nor the particulars were correct, therefore the entire enquiry was initiated by the then Hon' able District & Sessions Judge, Swabi against the delinquent officials to probe in to the matter.

RO & AC
23.06.2016


Asif Rashid
Inquiry Officer/
AD&SJ-II, Swabi


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15 JUL 2021
JUDGE (S) SWABI
SESSIONS COURT

CHARGE SHEET

Annex (E)

(24)

Annex "C"

I, Muhammad Adil Khan, District & Sessions Judge, Swabi, as Competent Authority hereby charge you, namely:- Mr. Waqas Masih Sweeper as follows:

- a. That on 08.08.2015, you, while on duty during summer vacations, issued attested copies of Wakalatnamas of Syed Mubashir Shah, Advocate in number of decided cases, by putting/ forging thereon the signatures of Imranullah, Moharrir/incharge, Copying Branch, Sessions Division Swabi and that too with his (Imranullah's) connivance; and
- b. That by reason of above, you have rendered yourself liable to be proceeded against for misconduct under the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules 2011.
- c. Therefore, you are called upon to submit your written defence before the Inquiry Officer within seven days of receipt of this charge sheet.
- d. In case of failure on your part so to do, it shall be presumed that you have no defence to offer and the proceedings shall be taken *ex parte*.
- e. You may also intimate if you want to be heard in person.

Yasir
24.2.2017

(Muhammad Adil Khan)
District & Sessions Judge/
Competent Authority, Swabi

Received (WaqasMasih) 25/07/2017
(Sweeper attached to Sessions Division, Swabi)

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ATTESTED
JUL 2017
Copying Deptt.
Sessions Court Swabi

To,

The District & Sessions Judge,
Swabi.

(25)

Annex "D"

Ox-1

31-03-17

Subject:

Reply regarding charge sheet, issued by Honourable District And Sessions Judge Swabi. Dated 24-03-2017

Respected Sir,

I have honor to submit that the allegation leveled against me in the charge sheet mentioned above are totally false, fabricated based on malafide. The undersigned never put the signature of Imran Ullah on the Wakalat Nama in question furthermore the concerned advocate Syed Mubashir Shah having a good reputation in the Bar that is why such like loose act was not expected from him therefore I put my own initial/signature on the Wakalat Nama on the permission of my seniors. Whatever, (Fraud) committed it is act of the Munshi of the advocate named above but before my attestation there are some procedure for obtaining attested copies and after that procedure I put my signature on the Wakalat Nama produced before me and I put my initial/signature being attestator on it. The relevant procedure are as under..

1. That as per prescribed rules and regulations, initially a form will be furnished to the superintendent of the session court for obtaining attested copies of any criminal/ civil case, then after the written permission of the superintendent the in-charge Muhafiz khana sort out the relevant case file and mentioned Rajuwa, Mawsola, date of decision and other particulars thereon and provide photocopies to the applicant and the same procedure has been done in this case.
2. After providing the relevant photocopies including the particular of the case i.e Mawsola Rajowa etc. produced before the attestator and the attestator attested the required pages. Similarly in such like situation the Wakalat Nama produced before me and I put my initial/signature on it.
3. That the case in question all the above codal formalities had been done by the superintendent and other officials. It is worth mentioning to note here that the Wakalat Nama in questions also bearing the signature of the presiding officer.
4. That being the subordinate I never asked from the superintendent nor from respectable presiding officer regarding their signatures. Normally when a document having the signature of a respectable judge, will presume that it is genuine. In this case the signature of the respected presiding officer is also genuine and similarly the signature of the superintendent and the particulars of the case mentioned in Wakalat Nama by the other officials as well.
5. As per relevant procedure of obtaining attested copy of any document, my position in this behalf is third and two forum ahead before me but in the present inquiry the above two forums i.e the office of the superintendent and other officials of Muhafiz Khana are illegally exempted which is against the norms of justice.

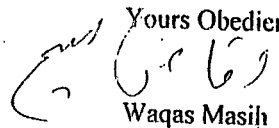
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- 6. Whatever I did, the same has been done by me in the light of the permission/ signature of the superintendent, particulars delivered by the official of Muhafiz khana in good faith. It is evident from the preliminary inquiry that no monetary benefit is involved nor anything else rather my attestation based on good faith in the light of the signatures of my superiors bosses.
- 7. The undersigned is innocent committing no illegality and irregularity. mere blaming the undersigned is against the relevant law, procedure and natural justice in order to deprive the undersign for further promotion. It is pertinent to note here that the undersigned is most senior one official and dropped from promotion in previous DPC constituted in 2016 on the pretext of pending inquiry.

It is therefore humbly prayed that on acceptance of this reply the charge sheet may kindly be filed without any further proceeding and the undersigned may please be consider for promotion in coming DPC. It is further humbly stated that the undersigned is a sole earning source of his family and already living in miserable condition.

Dated, 30/3/2017

Yours Obediently

 Waqas Masih

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ATTESTED

ATTESTED
 15 JUL 2021
 Ex-Junior Deputy Deptt
 Secretary, Govt. Secydt

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(3) (2)

**Statement of Muhammad Tariq Incharge Record Room, Sessions
Courts Swabi, on oath.**

(27)

I am presently deputed as Incharge Record Room Sessions Court, Swabi. During the eventful days, the present post was not assigned to me while at the same time I was deputed as Incharge Information Kiosk Centre, Swabi. As per the Transfer Posting order of the Honourable District & Sessions Judge, Swabi, bearing NO. 1636-59/(F-1)/ D&SJ, dated 11.09.2016, Mr. Javed Iqbal Senior Clerk was the Incharge of Sessions Record Room at the relevant time.

RO & AC.
18.10.2017


(USMAN BASHIR KHAN)
Inquiry Officer/ASJ-IV, Swabi

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15/10/2017
Incharge, Sessions Court
Swabi

Statement of Imranullah Moharrir attached to the court of learned ADJ-III,
Swabi, on oath.

28

Stated that, during those days I was posted as copyist at Sessions Court, Swabi. The subject Wakalat Namas were attested on 08.08.2015. On that day i-e 08.08.2015 due to summer vacations of the year 2015, I was on summer vacations leave. In this respect the copy of duty roster and attendance register are already placed on file. I have neither attested the subject Wakalat namas nor have signed the same. I am innocent and be exonerated from the instant inquiry, while the said inquiry may kindly be consigned.

RO & AC.
15.06.2017


(USMAN BASHIR KHAN)
Inquiry Officer/ASJ-IV, Swabi

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15 JUN 2021
Inquiry Officer/ASJ-IV, Swabi


Statement of Waqas Maseeh Moharrir, Sessions Courts, Swabi on oath.

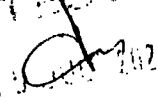
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I have been appointed as sweeper in the year 2003 and under the supervision of Judicial Officers, I was performing my duties in the copying branch since 12-years. On 11.09.2015 I was transferred to the court of Sessions Judge, Swabi and in this respect the transfer order is available on case file. I have been assigned duty to give copies of pending cases from original files with the permission of the Officers concerned. Similarly, the officials deputed at record room, were issuing copies of the decided cases and were entering particulars of the cases over such copies and after allowing the application from the quarter concerned. On 08.08.2015, clerk to Syed Mubashir Shah Advocate namely Asif produced an application being allowed by the then Superintendent alongwith the Photostats of the Wakalatnams bearing case numbers, dates of institution, dates of decision, Goshwaras and date of consigning to the record room, and after allowing the application by the Superintendent Sessions Court, I have attested the photocopies provided by the aforementioned clerk of counsel namely Asif and handed over the same to him. As the photocopies of Wakalatnams were of the Senior Advocate Syed Mubashir Shah Advocate, therefore, without any vagueness I attested the same. For the last 12-years I have worked in the copying branch with permission of the officers till 11.09.2015 honestly and never remained involved in any objectionable activities. The inquiry against me, may kindly be consigned and I may be exonerated from the allegations leveled against me.

RO & AC.
15.06.2017


(USMAN BASHIR KHAN)
Inquiry Officer/ASJ-IV, Swabi


ATTESTED
15.06.2017

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15.06.2017

STATEMENT OF MUHAMMAD IDREES COMPUTER OPERATOR/ENGLISH CLERK SESSIONS DIVISION SWABI, ON OATH

Now-a-days I am performing my duties as English clerk. Today I have produced sealed record. The said record was sealed earlier by Mr. Asif Rasheed learned ASJ-II, Swabi/Inquiry officer. The record was unsealed today in presence of accused/officials and before the inquiry officer. The record includes 1. Entry Register for Applications regarding Attested Copies, 2. Duty Roster of all the Paralegal Staff and Attendance Register of the Staff of Sessions Division, 3. Original Case Files (16 in numbers) detail of which are as under:

- i. 18/SPL State Versus Manzar.
- ii. 17/SPL State Versus Rehman Ullah.
- iii. 32/SPL State Versus Asad Zaman.
- iv. 22/SPL State Versus Nizar Ali.
- v. 25/SPL State Versus Azeem.
- vi. 121/SC State Versus Zaibar.
- vii. 122/SC State Versus Zaibar.
- viii. 123/SC State Versus Zaibar.
- ix. 857/3 State Versus Khan.
- x. 156/FC Malik Aman Versus Mst: Maria.
- xi. 35/FC Mst: Maria Versus Malak Aman.
- xii. 31/FC Malik Aman Versus Mst: Maria.
- xiii. 156/FC Malik Aman Versus Mst: Maria.
- xiv. 120/BA Manzar Versus State.
- xv. 6/BA Rehman Ullah Versus State.
- xvi. 15/6 Zahir Shah Versus State.


The record contains Applications for obtaining attested W/Namas including the Applications (33 in number) submitted by Asif clerk of Mubashir Shah Advocate.

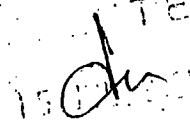
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Swabi dated 08.08.2015, 10.08.2015, 13.08.2015 and 17.02.2016 in different cases and also including the above mentioned cases.

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RO & AC
16.11.2018


(Usman Bashir Khan)
ASJ-IV/Inquiry Officer, Swabi

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15/11/2018


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STATEMENT OF RIAZ MUHAMMAD ASSISTANT/COC, ON OATH

During those days I was posted as English Clerk in Sessions Division Swabi. Presently I am performing my duty as Clerk of Court. Today, I have seen the original Case Files, the original W/Namas and photo copies of W/Namas received from Hon'ble Peshawar High Court Peshawar for verification, seen and perused by me. (which are EX.P-1 to EX.P-6). According to this record although the name of Mubashir Shah Advocate is highlighted in the photo copies of W/Namas (received from Hon'ble Peshawar High Court Peshawar for verification) however, as per available record/case files name of Mubashir Shah Advocate/W.Nama of Mubashir Shah Advocate is not available. Detail is given as under:-

S.NO	CASE NO.	TITLE	STATUS/REMARKS	S. NO. OF APPLICATION SUBMITTED FOR ATTESTED COPIES TO THE COPYING BRANCH
1	18/SPL	State Versus Manzar	Original Wakalatnama of Mr. Mustafa Kamal Advocate is available, while no Wakalatnama of Syed Mubashir Shah Advocate is available	6380 of 2015
2	17/SPL	State Versus Rehman Ullah	No Wakalatnama of any one is available on case file.	6385 of 2015
3	32/SPL	State Versus Asad Zaman	No Wakalatnama of any one is available on case file.	6458 of 2015
4	22/SPL	State Versus Nizar Ali	No Wakalatnama of any one is available on case file.	6382 of 2015
5	122/SC	State Versus Zaiibar	No Wakalatnama of any one is available on case file.	6384 of 2015
6	18/6	Aziz ur Rehman versus SHO	Copy of the Wakalatnama at page No. 30 of inquiry file is available. However, original file is not available, nor was requisitioned earlier by the Inquiry Officer	6362 of 2015

16-11-18


Today, I have perused the original Duty Roster for Summer Vacations from 22.07.2015 to 11.08.2015 duly signed by the Superintendent Sessions Division, Swabi. The Wakalatnama (photo copies) in question were attested and issued on 7th August


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2015. In this respect the copy of list/Duty Roster is EX.PZ. I have also perused the Duty Roster of the staff members of Record Room, Sessions Division Swabi copy of which is EX.PZ/1. Moreover, applications submitted for obtaining attested Wakalatnamas are EX.PZ/2 consisting of 6 in number, which were allowed by Mr. Gohar Sajad the then Superintendent.

RO & AC
16.11.2018

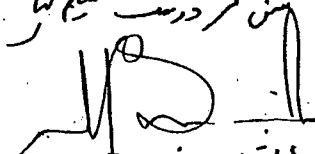

(Usman Bashir Khan)
ASJ-IV/Inquiry Officer, Swabi


ATTESTED
16.11.2018




بیان حمد طارق ریٹائرڈ سینیٹر ملک انجارج رکھا ڈروم سیشن کورٹ مورال بیان کیا

بدوران دتوہ صزا میں انجارج محافظ خانہ تعینات تھا۔ وٹومدک ون
میں محافظ خانہ میں جوہد نہ تھا۔ پونہد حرفہ 22 جولائی 2015 سے
حرفہ 11 اگست تک گروہوں کی چیشیاں تھی ایسے رجا پیر ڈیوٹی اور
جوگ منظر شدہ بدوران بیان ریاض محمد جو معاہد اور EXPZ ہے
میرا ڈیوٹی 24-25 جولائی پر تھا۔ بیس یہی میرا بیان ہے۔

سن مردست تسلیم بنا

ایڈیشنل سیشن جج - 17/11/2021

24-9-19


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ATTESTED
15/09/2021
The Assistant Registrar
Singapore

Statement of Muhammad Arif, Reader of the Court of Judicial Magistrate-I, Swabi on oath. ..

In the year 2015, I was posted at Sessions Record, Swabi. During summer vacations in the month of August, 2015, I was on duty on 07/08/2015 to 12/08/2015. During those days some posts of Addl; Sessions Judge had been announced by the honorable Peshawar High Court and lawyers were moving applications for attested copies of wakalanamas. Each lawyer was asking for at least 20/25 wakalatnamas from different cases conducted by them. I was the only official on duty during those days as it was summer vacations. In routine applications for attested copies of wakalatnama were received to me from Copying Brach, some of which were even brought by Clerks of the advocates or the advocates themselves, whereupon I would take out the relevant files from record room and make photocopies of the required pages from the same in my presence. The photocopies thereafter, would be handed over to the advocate or his clerk, who would have brought the applications, while the relevant file was returned to its place in the record room. It was even general routine of the record room that after making photocopies of the required pages/portion, the copies are handed over to concerned person and file returned to its concerned shelf/(موٹہ). On the relevant day a number of applications were brought by clerk of Syed Mubashir Shah advocate and I took out the files from record room. The photocopies of wakalatnamas from the files mentioned in the relevant applications were made and the

MR. I
17.08.2015

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17.08.2015

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same photocopies were handed over to him and files were returned to its shelves.

XX ... I do not that as to how many wakalatnamas in respect of Syed Mubashir Shah Advocate were copied by me. It is correct that after photocopy of wakalatnama in respect of Syed Mubashir Shah, I handed over the same to the clerk.

RO & AC
17/02/2020



Shah Wali Ullah Hamid
Addl; District & Sessions Judge-IV,
Inquiry Officer, Swabi

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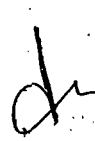
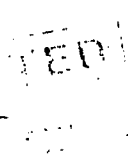
Statement of Asif Adil, clerk of Syed Mubashir Shah advocate Swabi on oath.


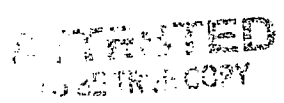
In the year 2015, Syed Mubashir Shah advocate had applied for the post of Addl; Sessions Judge, announced by the honourable High Court. We were two clerks at the time with the said advocate i.e. me and Naveed ul Isalm. As I dealt with other main official work in the office, Naveed ul Islam was entrusted with responsibility to obtain attested copies in all cases etc. Though it was job of Naveed ul Islam to bring attested copies however, he used to file application for the said purpose in my name. The applications for attested copies have been submitted to the office concerned and copies were obtained by the said Naveed ul Islam and brought the same to office and handed over to me. I have not personally obtained the said copies from copying branch. The said Naveed ul Islam has since died about 2/2½ year ago.

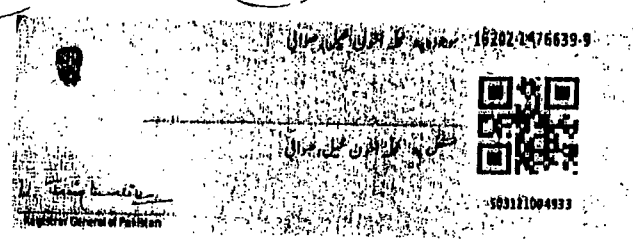
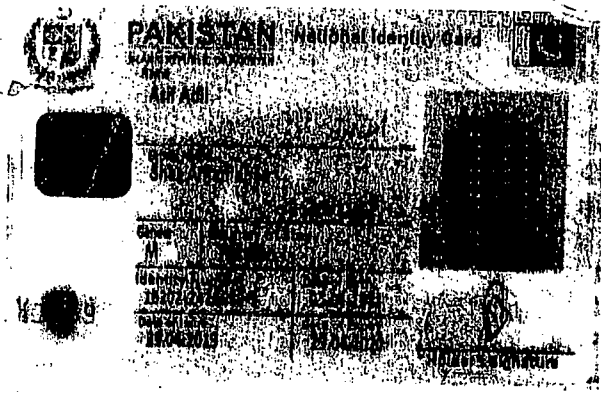
XX ... The attested copies were brought to me by Naveed ul Islam but I do not know as to where from he obtained the same. Volunteered: he brought attested copies to the office therefore, I did not feel the need to further verify it.

RO & AC
05/03/2020


Shah Wali Ullah Hamid
Addl; Sessions Judge-IV,
Inquiry Officer, Swabi



محمدہ کارڈ ہونے پر قریبی لیٹر بکس میں ڈال دیں

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Order No. 01
31.03.2017

Inquiry file received from the worthy Sessions Judge, Swabi vide letter bearing No.1037(F-41), dated: 25.03.2017 whereby the undersigned is appointed as Inquiry Officer for conducting formal inquiry against delinquent/accused officials namely Imran Ullah (Junior Clerk) and Waqas Masih (Sweeper) being Inquiry Officer. Reply to Charge Sheet received from the delinquent officials and placed on file.

It is, however, pertinent to mention here that the undersigned has conducted preliminary inquiry into the matter against the officials concerned wherein the undersigned expressed opinion with regard to prime facie involvement of the officials while under S-10(3) of the Government Servants (Efficiency and Discipline) Rules, 2011, it is provided that;

"In a case where preliminary or fact finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary enquiry".

Therefore, in view of the above, the undersigned is legally debarred from conducting formal inquiry into the matter, as such, the inquiry file is sent back to the worthy Sessions Judge, Swabi/Competent Authority for appropriate order. Muharrir of this court is directed to do the needful accordingly and transmit the file in hand to the worthy ibid court in sealed form.

ATTESTED
15/04/2017
Executive Magistrate Swabi
Sessions Court Swabi



Asif Rashid,
Addl. Sessions Judge-II,
Swabi.

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Annex E

INQUIRY REPORT

As a consequence of preliminary facts findings inquiry, one Imranullah Junior Clerk and Waqas Maseeh Sweeper were charge sheeted ^{by} the competent authority and mater was entrusted to the Presiding Officer of the Court of AD&SJ-IV, Swabi for regular probe.

BRIEF CASE HISTORY:

1. The precise background of this inquiry is that the Honourable Peshawar High Court, Peshawar had sent the Wakalat Namas of the candidates, who had applied for the post of Additional District & Sessions Judges and during the course of verification the attested copies of Wakalat Namas issued to Syed Mubashir Shah advocate i.e. 17/SPL of 2020 The State ..vs.. Rahmanullah, 32/SPL of 2010 The State ..vs.. Asad Zaman, 22/SPL of 2012 The State ..vs.. Nizar Ali, 112/SC of 2009 The State ..vs.. Zebar, 8/6 of 2012 Aziz ur Rahman ..vs.. SHO etc., could not be traced out from the relevant cases files.

2. A preliminary inquiry was directed by the honourable District & Sessions Judge Swabi and the learned inquiry officer/Addl; District & Sessions Judge-II Swabi after recording statements of the above named officials, Riaz Muhammad Assistant Superintendent Office, Sessions Court Swabi recommended the matter for full-fledged inquiry on 23/06/2016.

3. The accused/delinquent officials were charge sheeted on 24/03/2017, and their reply regarding the charge were received on

Additional District & Sessions Judge IV
Swabi
04.03.2021

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15 JUL 2021
Presiding Copying Dept.
Sessions Court Swabi

Inquiry report No. 036, against Imranullah & Waqas Maseeh

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31/03/2017, whereupon the matter was further entrusted to this court for conducting inquiry under the Khyber Pakhtunkhwa E&D Rules, 2011 against the accused official.

4. The subject inquiry was received from the Court/Office of District & Sessions Judge, Swabi on 12/04/2017 and thereafter was fixed for recording of evidence.

5. On 15/06/2017, Imranullah Copyist/Muharrir and Waqas Maseeh Sweeper were present and their statements were recorded, on 16/11/2018 Muhammad Idrees Computer Operator/English Clerk Sessions Division Swabi and Riaz Muhammad Assistant/COC were present and their statements were recorded. The statements of Muhammad Arif Reader JM-I Swabi and Asif Adil, clerk of Syed Mubashir Shah advocate were recorded on 17/02/2020 and 05/03/2020, respectively.

FINDINGS:

6. The aforementioned statements of the relevant officials & other persons coupled with the material available on the underlying inquiry file, leads me to the conclusion that undoubtedly, Syed Mubashir Shah Advocate stood disqualified for the post of Additional District & Sessions Judge announced under the supervision of Honourable Peshawar High Court, Peshawar, as some of his Wakalat Namas were not found present on the original files, but instead its attested copies were submitted before the August High Court. This delinquency was found during verification process of the Wakalat Namas, as directed from Honourable

MSI
04.03.2021
Additional District & Sessions Judge Swabi

ATTESTED
15/04/2021
Examiner Copying Deptt.
Sessions Court Swabi

Inquiry report No. 036, against Imranullah & Waqas Maseeh

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The Peshawar High Court, Peshawar, qua when such omission was found, the then learned District & Sessions Judge, Swabi has directed to conduct a judicial inquiry, which was initiated, however, later on the same was transmitted to the undersigned for conducting final inquiry.

7. In the inquiry in hand, two officials namely Imranullah Moharrir alongwith Waqas Maseeh (Sweeper) were nominated as delinquent officials, who were charge sheeted, in response thereto they submitted their replications. It was on 08.08.2015, when the applications No. 6362, 6380, 6381, 6382, 6383, 6384 & 6385 were moved, which were allowed by Superintended Sessions Court on the even date, whereas, on the strength of ibid applications, attested copies of Wakalat Namas were also issued on that very day i-e 08.08.2015. Truly on 08.08.2015, the regular courts were closed due to summer vacations in the month of August and perhaps only the enlisted staff were present to perform the urgent judicial work. The subject attested Wakalat Namas were issued on 08.08.2015 and according to record i-e duty roster, copy available on file, on the subject day the names of two officials namely Muhammad Riaz Assistant/English Clerk alongwith Waqas Masih Sweeper (delinquent official) were enlisted to perform their duties in the copy branch on the same day. Similarly, the ibid duty roster highlights the name of Imranullah J/C (delinquent official) alongwith one Irfan Ali N/Q against the days of 27th & 28th July 2015. This fact particularly identifies that Imranullah J/C (delinquent official) had performed his part of duty much

M.S.I.
01.03.2021
Additional District & Sessions Judge-IV
Swabi

ATTESTED
15 JUL 2021
Examiner Copying Dept.
Sessions Court Swabi

Inquiry report No. 036, against Imranullah R. Waqas Maseeh

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ATTESTED
15 JUL 2021

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prior to 08.08.2015. Notwithstanding this, the copy of attendance register too, doesn't reflect the attendance of Imranullah J/C (delinquent official), rather the same shows that Muhammad Riaz English Clerk was present on his duty on the same day i-e 08.08.2015, with whom the name of Waqas Maseeh (Sweeper) was mentioned in the duty roster. Imranullah J/C, since the day first has denied the allegations in his reply to the explanation with specific denial that neither he signed the subject Wakalat Nama nor had issued the same, as he was enjoying his summer vacations. Nothing in black & white exists on record that Imranullah was present in the copy branch on 08.08.2015. It was however, found that the attested copies bears the signature of Imranullah. The second delinquent official Waqas, who at the relevant time was sweeper by his designation, but as per his explanation he was transferred to the copying branch, where due to rush of work he was allowed to issue attested copies and due to such authorization from his officers, he issued the subject attested copies of Wakalat Namas to one Asif i-e clerk of Syed Mubashir Shah Advocate. This official categorically acknowledged the issuance of attested Wakalat Namas by him, however, negated any malafide or vagueness on his part for the said act. According to his contention, as the subject Wakalat Namas were bearing the case number, date of institution, date of decision, Goshwara and date of consigning to record room, therefore, being the legal procedure, he attested such Wakalat Namas by affixing the signature of Imranullah, who was head of the copying branch.

MDL
01-03-2021
Additional Director & Sessions Judge
Srinagar

ATTESTED
15 JUL 2021
Ex. Officer (Copying Deptt)
Srinagar

Inquiry report No. 0376, against Imranullah & Waqas Maseeh

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8. The question to be resolved was that which unit of the Judiciary was responsible for verification of the application submitted for obtaining attested copy of a document. Obviously, it is the job of Incharge record room to verify whether the document asked for obtaining attested copy exists on the case file concerned or otherwise. Thereafter, the copying agent is responsible to verify the genuineness of application, vis-à-vis, it is further duty of the examiner to examine and certify the copies. Truly, the copy branch play a pivotal role, qua it is the duty of head of the said branch to confront the copies provided to him with the relevant file and if found any ambiguity, no copy shall be provided to any individual, qua the matter is to be reported immediately to the officer/incharge concerned. Below are the job descriptions of Incharge record room (record keeper), copying agent, examiner, as defined in the Judicial Estacode.

[Signature]
 04.03.2021
 Additional District & Sessions Judge-IV
 Sivasli

X. RECORD KEEPER

- i. Record keeper to ensure that certificate of reader regarding diet money is attached with file.
- ii. Checking of record by the record keeper.
- iii. How to hand over judicial record to successor on transfer or leave.
- iv. To check list of connected record.
- v. Checking of record received from the High Court.
- vi. Transmission of record of High Court.
- vii. To maintain a register C.D.8 for receipt of application and judicial files for copying purpose.

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 15 JUN 2021
 [Signature]
 Additional District & Sessions Judge-IV
 Sivasli

Inspektor report No. 0306, against Immamallah & Waqar Maseeh

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 ATTESTED
 15 JUN 2021

- viii. The reason for delay in handing over record to copying agency be given daily on the application for copies.
- ix. If it is not possible or desirable to hand over file then only the copy of concerned document be given to file fetcher and receipt taken in this respect.
- x. To maintain a running list of all the cases in which copies of judgment have been sent out.
- xi. To direct & supervise all the current business of receiving and issuing records.
- xii. Recording, examining, registering, placing, issuing and restoring files.
- xiii. To perform all functions as catered in District Office Manual Punjab Chapter-9.

XIII. COPYING AGENT

- 1. Responsible for maintenance of accounts.
- 2. Sanctioning of application for copies.
- 3. Reject or accept the application for copies.
- 4. Endorsement of date and time on application.
- 5. Initial the endorsement.
- 6. In case of doubt he is to obtain orders of the officer incharge.
- 7. Grant receipt in the prescribed form CD-10.
- 8. Cause the application to be entered in register CD-2 and S.NO of register be given in red ink on the reverse of applications.
- 9. Cause the application to be made over the file fetcher for bringing the record.

MS
 04.03.2021
 Additional District & Sessions Judge
 Court


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[Signature]
 15 JUL 2021
 Copying Agency
 Court

Copy report No. 03/6, against Inamullah & Waqar Masood

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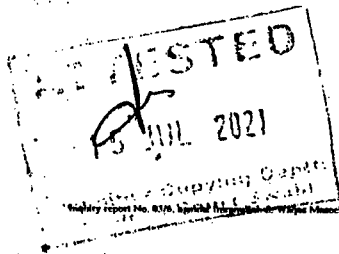
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10. He shall be responsible that no file is taken out of copying room by anyone.
11. The copyists and file fetcher are supplied with locks and keys.
12. To prepare the duty list of his staff.
13. To ensure the public has no access to the copyists or the copying room.
14. To maintain service books and leave account for all the members of agency.
15. He is responsible for regular and property delivery of copies.
16. He is to ensure that no record is sent to the tehsil or outlying Court for supplying copies.
17. Cause of delay in delivery of copy beyond third day is to be written.
18. Recovery of outstanding fee.
19. Endorsement of date of delivery and of cancellation of stamps.
20. Maintain a register in form CD-11.
21. Assistant secretary of Copying Agency Committee.
22. Keep income account in form CD-3.
23. Monthly to submit report in case in which fee is to be realized.


04.03.2021
Additional District & Sessions Judge-IV
Swarabi

XIX. EXAMINER

- 1) Revision of copies.
- 2) Examine the copies.
- 3) Certify the copies.
- 4) Stamp the copies.
- 5) Page the copies.





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- 6) Endorsement the copies.
- 7) Cancellation of defective copies.
- 8) Submission of report against the copyist for his carelessness.
- 9) Verification of delay in preparation of copy.
- 10) To see that Court fee stamps affixed are punched, cancelled and initiated.
- 11) To see that all provision of law and rules have been complied with.
- 12) At least every attestation made in such copy by initialling the same.
- 13) Make an entry in register CD-5 as to the outturn of the copyist.
- 14) Cause of delay in delivery of copy beyond third day is to be written.
- 15) To submit report about the carelessness of copyist.
- 16) Can supply unattested copies in case of documents mentioned in item No. 9 of Schedule 'A' of RC-45.
- 17) Attest the translated copies.
- 18) Entries of translation to be made in register CD-2 & CD-3.

MS-I
 06-03-2021
 District Secretary Judge-A
 District

XVI. FILE FETCHER

- 1. Maintenance of register Form CD-7 of application made over to record room and Court staff.
- 2. Maintenance of register in Form CD-8 for acknowledgement of receipts of application and judicial files. To be kept under lock and key.
- 3. In case of urgent application he is to endeavour to receive record.
- 4. To keep all the record and files in lock which are in his possession.

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Inquiry report No. 036, against Inwanullah & Waqar Muneer

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9. The available record, ipso facto, highlights that on 08.08.2015, one Muhammad Arif J/C was on duty in the record room, but neither has he been charge sheeted in the instant inquiry nor was he so associated clearing the course of fact and findings inquiry. However, he was summoned and examined by the undersigned who in his testification admitted furnishing/providing subject Wakalat Namas to the clerk of Syed Mubashir Shah Advocate. Even otherwise, in the Sessions division on the subject day i-e 08.08.2015, Muhammad Riaz English Clerk was on duty being in-charge along with the delinquent official Waqas Maseeh was on duty and supervisor was Muhammad Riaz English Clerk who too was not enjoined in the process of inquiry. The role of Naveed-ul-Islam, clerk of the said advocate, was never considered at the time of facts findings inquiry as without his involvement the issuance of disputed copies could not have been possible. Unfortunately during the present inquiry he has died. It is due to his negligence, Advocate Syed Mubashir Shah also suffered a loss so overwhelming by way of an outright disqualification from being candidate to the post of ADJs.

MR. I
 04.03.2024
 Additional District & Sessions Judge-IV
 Sirsahi

10. The delinquency under issue prima facie tilts towards Naveed-ul-Islam (now dead), clerk of the advocate, Muhammad Arif J/C, who provided photocopies of subject Wakalat Namas to the said clerk of advocate and Waqas Maseeh (Sweeper) who attested the same, ipso facto all the three have not attended the matter in a diligent manner and thus the underlying untoward incident took place. Nonetheless, the fact that during

[Signature]
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Inquiry report No. 076, against Inramullah & Waqas Maseeh

[Signature]

ADJ. SIRSAHI
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those days, there were summer vacations and other concerned staff was not available at the relevant time such stereotype attitude and unwanted manner can also be a factor, that cannot be brushed aside.

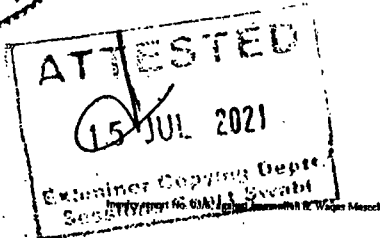
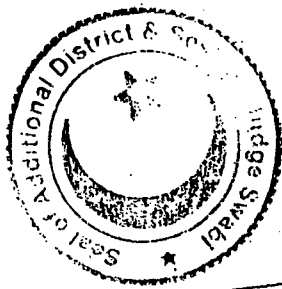
11. While summing up it is recommended that Imranullah Junior Clerk is not connected with the matter, whereas Waqas Maseeh Sweeper has admitted to have attested the copies in a stereotype manner so he cannot be absolved straightaway. However, his dependent status and working under supervision of seniors widened scope of leniency for him leaving to the discretion of the authority.

12. Apart from the above, the undersigned is further of the view that training as well as seminars be arranged for ministerial staff especially those, deputed in record room and copying branch for enhancing, strengthening their capability and capacity in order to curtail happening of alike incidents in future. At the end, with heavy heart the undersigned regrets the inordinate delay in conclusion of the proceedings; which largely was due to the misplacing of the file.

Dated: 04.03.2021.

Submitted accordingly

(Shah Wali Ullah Hamid)
Addl; District & Sessions Judge-IV/
Inquiry Officer, Swabi



ATTESTED
TO SWABI COPY

The Hon'ble District & Sessions Judge,
Swabi

Subject: DUTY LIST/ROSTER OF STAFF MEMBERS DURING SUMMER VACATION-2015

Respected Sir,

I have the honour to submit duty list/roster of staff members of Sessions Court Swabi during forthcoming summer vacations for approval & kind consideration.

Date of duty	Name of Official	Cell Number	Signature
22 & 23 July of 2015	Sabaz Ali Stenographer & Amjad Iqbal N/Q Dispatcher	0345-5175587	
		0333-9427961	
24 & 25 July of 2015	Muhammad Tariq Muharrir & Abdul Hakeem N/Q	0312-5858117	
		0341-2122221	
27 & 28 July of 2015	Imranullah J/C & Irfan Ali N/Q	0313-3819966	
		0301-8342407	
29 & 30 July of 2015	Muhammad Ismail Muharrir & Shah Faisal N/Q	0314-9451662	
		0302-5683528	
31 July & 01 August 2015	Mohammad Siyad C.O & Fazal Aman P.S	0314-5222974	
		0311-8340583	
03 & 04 August 2015	Sher Ali B & A Assistant & Javed Iqbal Sr.C/Incharge Information	0346-9809132	
		0310-5250175	
05 & 06 August 2015	Zulfiqar Ahmad Nazir & Raj Wali Khan PS/Copy Clerk	0311-9800096	
		0300-8895755	
07 & 08 August 2015	Muhammad Riaz Assistant/E.C & Waqas Masih Sweeper	0300-9088770	
		03005683932	
10 & 11 August 2015	Muhammad Arif Senior clerk & Qaiser Ali Junior Clerk	0313-5731738	
		0346-9734662	

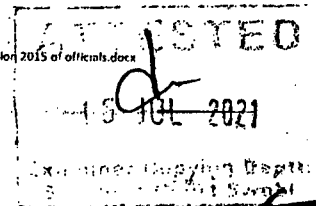
Faiz Muhammad Chowkidar/Electrician (0336-9181813 & 0302-5236208) is responsible for arrangement of fuel & maintenance of the electric generator installed in the Judicial Complex, Shahmansoor Swabi during the summer vacations-2015, please.

Yours obediently

EX PZ
Asst. W/Inquiry Officer Swabi

16/11/18

[Signature]
Superintendent
Sessions Court, Swabi



RECEIVED
15 JUL 2015

(51) گورنمنٹ آف انڈیا کے دفتر کے رجسٹر - 17 - 1901

عنوان: عمران اللہ
مقام: مسیح
انٹرویو

قورب بابت انٹرویو کے بیان کے ساتھ اخراج محفوظ خانہ صدر ذیل
عنوان پر

ضابطہ عالی

گزارش کی جاتی ہے کہ سائل سے عدالت کے عنوان پر انٹرویو
قورب ملے ہیں۔

47
15-10-2019

یہ کہ سائل عدالت تقریباً 18 سال سے سرکاری ڈپٹی سرانجام
دے رہا ہے۔ اور مختلف مقامات پر ڈپٹی انجام دے چکا ہے۔

یہ کہ سائل کا بیادلم حوالہ حکم عدالت (F-1) 59-1636 قورب
11.09.05 کو لکھنؤ اخراج محفوظ خانہ سوا گیا۔ اور سائل
نے اعلیٰ امینان بالائی تھیل کر کے پورے قورب 14.09.05 کو
اخراج محفوظ خانہ کا چارج سنبھال لیا۔ جس کا رورڈنگ لکھنؤ
وکالت نامہ مورخہ 08-08-05 اور 07-08-05 کو انجام پائی
ہے۔ جو کہ تقریباً ایک عرصے سے زیادہ کا عرصہ بنا ہے۔ جس
دوران سائل اشعار عسین کونسل میں ڈپٹی انجام دے رہا تھا۔
لہذا سائل کا لکھنؤ وکالت نامہ کوئی سرورکار نہیں۔ اور نہ ہی
میرے دورانہ اخراج میں انجام پائی ہے۔ لہذا سائل نے مذکورہ

گناہ ہے۔ معاف فرمائے جائے۔

15-10-2019
11-1901

FILED
15 OCT 2021
District Judge's Office
Court Sehari

FILED
15 OCT 2021

No 270 /AD & SJ-III Swabi

Dated 11 / 04 / 2017

From:-

Hajira Rehman,
Addle District & Sessions Judge-III,
Swabi

To.

The Hon'ble,
District & Sessions Judge,
Swabi

Subject:

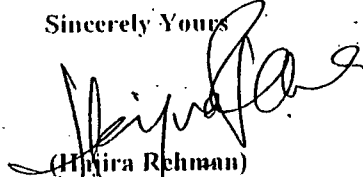
**INQUIRY OF THE DELINQUENT/ACCUSED IMRAN ULLAH
(JUNIOR CLERK) AND WAQAS MASIH (SWEEPER)**

Respected Sir,


Reference to your good-self letter No. 2078/ (F-41) D & SJ dated Swabi 08.04.2017; the undersigned being nominated as an inquiry officer by your esteemed office for the subject purpose, however with deep veneration it is submitted that one of the official i.e. Imranullah (Junior Clerk) is attached to the court of undersigned, therefore, for the interest of justice, unbiased and transparent inquiry it would be most appropriate to conduct the instant inquiry through another Judicial Officer/colleagues.

Therefore, the case file in hand sent to the court of honourable District & Sessions Judge, Swabi for further appropriate order.

Sincerely Yours


(Hajira Rehman)
Addl: District & Sessions Judge-III,
Swabi

*Allowed &
Mr. Usman Basari
is appointed as
Enquiry officer &
conduct enquiry as
per hand on
subject 11/4/2017*


ATTESTED
TO BE TRUE COPY

ATTESTED
15 JUL 2017
Examiner Copy to Dept
Sessions Court Swabi

(3) (2) (53)

OFFICE OF THE DISTRICT & SESSIONS JUDGE, SWABI

Phone # 0938-280372

dsjswabi@yahoo.com

Fax # 0938-280117

No. 1037 (F-4) /D&SJ

Dated Swabi: 25/03/2017

From:

District & Sessions Judge,
Swabi

To:

Inquiry Officer/AD&SJ-II
Swabi

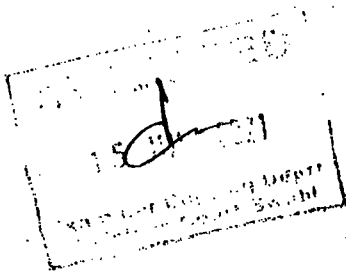
Subject: - **INQUIRY OF DELINQUENT/ACCUSED IMRAN ULLAH
(JUNIOR CLERK) AND WAQAS MASIH (SWEEPER)**

Dear Sir,

You are hereby appointed as Inquiry Officer in connection with the subject case. Inquiry has already been initiated and charge sheets have been issued to the above mentioned delinquent officials. Complete case file (consisting of 39 pages) is hereby entrusted to your office with the request to dispose of the matter in accordance with Khyber Pakhtunkhwa Efficiency and Disciplinary Rules 2011 within the specified period mentioned therein, please.

Encl: a.a

(Signature)
(MUHAMMAD ADIL KHAN)
District & Sessions Judge,
Swabi



(Signature)
ATTENDED



The District Judiciary Swabi

(54) (59)

Phone # 0933-281172
Fax # 0933-280117
dsjswabi@yahoo.com
dsjswabi1@gmail.com

No. 2184 / (F-41) D&SJ

Dated Swabi: 11/4/2017

From:

District & Sessions Judge,
Swabi

To:

Inquiry Officer/AD&SJ-IV
Swabi

Subject:

INQUIRY OF DELINQUENT/ACCUSED IMRAN ULLAH (JUNIOR CLERK) AND WAQAS MASIH (SWEEPER)

Dear Sir,

You are hereby appointed as Inquiry Officer in connection with the subject case. Inquiry has already been initiated and charge sheets have been issued to the above mentioned delinquents/accused. Complete case file (consisting of 47 pages) is hereby entrusted to your office with the request to dispose of the matter in accordance with Efficiency and Disciplinary Rules 2011 within the specified period mentioned thereto, please.

Muhammad Adil Khan
11.4.2017
(MUHAMMAD ADIL KHAN)
District & Sessions Judge,
Swabi

Endst: _____ /D&SJ

Dated Swabi the: 11/4 /2017

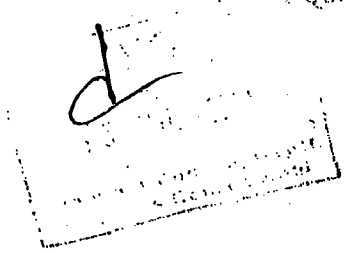
Copies for warded to:

1. Assistant/English Clerk, Sessions Divisions, Swabi with the directions to appear before the Inquiry Officer, wherever required in the subject inquiry.
2. The delinquent official to appear before the Inquiry Officer on 12-04-2017.

Submitted by: _____ true copy

Muhammad Adil Khan
District & Sessions Judge, Swabi
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

Muhammad Adil Khan
District & Sessions Judge,
Swabi



S.No of Application	7055
Date of Presentation	03.07.2017
Date on which copy	15.07.2017
Date on which	15.07.2017
Total Number of Pages	112

Signature of Copyist: *[Signature]*
15.07.2017

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DISTRICT JUDICIARY
SWABI

COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 33/Admn of 2021
Title: Inquiry Against Waqas Masih


SS
Annex
"F"

Order Under Rule 14(4)
16.04.2021

1. Accused official Waqas Masih (Sweeper), having been found guilty vide order dated 04.03.2021 of learned AD&SJ-IV/Inquiry Officer in Court File No. 2/6 of 2017, is hereby served with notice to show cause as to why one or more penalties mentioned under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 (the Rules) may not be imposed upon him for the charge as follows:
 - i. That he while posted in Copying Branch of Sessions Division Swabi and on duty during summer vacation, issued on 08.08.2015 attested copies of Wakalatnamas of Syed Mubashir Shah Advocate in a number of decided cases by putting thereon forged signatures of Imranullah Incharge Copying Branch Sessions Division Swabi.
 - ii. That the accused official, being a government servant, conducted himself in a manner prejudicial to good order /discipline and unbecoming of a gentleman.
2. The accused official shall submit reply in writing with additional defense, if any, within 10 days after receipt of this notice. He shall also indicate in his reply whether he wanted to be heard in person. Proceedings shall be concluded in accordance with the Rules if the accused official fails to respond.
3. Amjid Iqbal, Junior Clerk /Dispatcher attached to Superintendent Office, shall act as Departmental Representative for the purpose of instant proceedings and shall appear with record.

Next date fixed in the matter is 29.04.2021 (09:40 hrs).

Dated: 16.04.2021

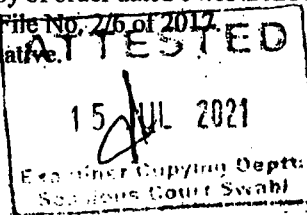

(Hafiz Naseem Akbar)
Competent Authority
/District & Sessions
Judge, Swabi


Endst: No. 2495-96 / (F-41) / D&SJ


Dated 17 / 04 / 2021

Copy for information and needful to:

1. The accused official with copy of order dated 04.03.2021 rendered by learned AD&SJ-IV/Inquiry Officer in Court File No. 2/6 of 2017.
2. The Departmental Representative.




Competent Authority
/District & Sessions
Judge, Swabi


ATTESTED

To,

The District & Session Judge, Swabi,

(56)
Annex "B"

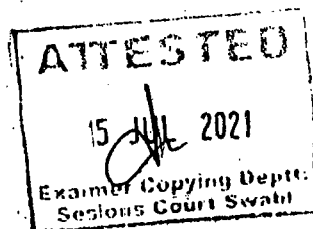
Subject: Reply regarding Notice (order under rule 14(4)) issued by honorable District & Session Judge, Swabi, vide Endst No. 2495-96/ (F/41)/ D & SJ, dated : 17-04-2021.

R/ Sir,

1. I have honor to submit, that I have recorded my statement / reply before this and the same may kindly be considered as a part and parcel of this.
2. I have categorically mentioned in my earlier statement, that I was a sweeper and performed my duty in Session Court, including Copying Branch.
3. The allegations levelled against me are not based on truth, but a concocted story advanced by the officials of the copying branch in order to save their skin from the consequences of inquiry and I was indulged wrongly.
4. I have thoroughly discussed in my previous statement, procedure of obtaining copies from copying branch and such proceedings having a complete chain and in this chain different officials are working.
5. It is pertinent to note here, that the whole procedure and manner through which Wakalat Nama's in question were received from Muhafiz Khana in the statement of Mr. Muhammad Arif, wherein he stated, that the application for attested copies of Wakalat Nama's of Sayyed Mubashir Shah Advocate, were already allowed/ approved by the then Superintendent and also point out detail and relevant procedure for obtaining Wakalat Nama's. The perusal of record was duty of an other officials, while approval authority was another. I was the only last employ to handed ove already checked attested copies to the applicant.
6. Whatever have been done (denial), the same could be in good faith and nothing else. The apprehension was there, that said act may be done due to rush of work as a large number advocates had to obtain the attested Wakalat Nama's, for the recruitment in judiciary.
7. I am innocent, committing no illegality not involved in this matter. My previous statement recorded clearly ndicate that I have performed my duty with great zeal and honesty.

Dr-05
26.04.2021

District & Sessions Judge
Swabi



ATTESTED
10.07.2021

57

8. Further stated, that there is no complaint available in my 17 years service record, and never involved in wrong practices.
9. The exoneration of the concerned officials and indulging me is totally against the norms of justice.
10. Furthermore the under signed also request your good self to be heard in person.

Prayer : It is humbly requested by keeping in view 17 years blameless service, the instant inquiry may kindly be filed without any further proceeding.

Dr-05
26-07-2021

District & Sessions Judge
SWABI

26/4/21

Waqas Masih
Muharrir Family Court, Lahor
District Swabi.

ATTESTED
15 JUL 2021
Examiner Copying Deptt:
Sessions Court Swabi


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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

58

Court File No. 33/Admn of 2021
Title: Inquiry Against Imranullah Etc.

Annex "H"

S.No. & Date of order	Order/Proceeding Sheet
<p>O:11 26.06.2021</p>  <p><i>[Handwritten signature]</i></p> <p>District Swabi</p>	<p>1. Accused official Waqas Masih present in person. Hearing has already been given to him. Matter is fixed for order today. Record perused.</p> <p>2. The disciplinary action in hand is based on orders /notes dated 17.02.2016 recorded by the then Hon'ble District & Sessions Judge Swabi. They are reproduced for convenience of reference;</p> <p><u>Note No. 1</u> 17.02.2016</p> <p>The matter in issue is related to the <i>wakalatnamas</i> of advocates /candidates appearing in test /interview to the post of Additional District & Sessions Judges which were received to this office from the august Peshawar High Court, Peshawar with the directives to verify the same with original case records and submit report in respect thereof to the august court. It is pertinent to mention here that during verification process, it came to surface that some of these <i>wakalatnamas</i> were not even existed on case files, therefore, a question arises that who had issued the same and how the attested copies of these <i>wakalatnamas</i> were obtained from the Copying Branch, Swabi, therefore, in this scenario of the matter, it is necessary to conduct a judicious probe thereof. It is also pertinent to mention here that the attested copies of these <i>wakalatnamas</i> have been obtained from Copying Branch, Swabi during Summer-Vacations, 2015 on 08.08.2015, therefore, in order to ascertain the facts & fix liability, the Register pertaining to entries of Applications for obtaining attested copies as well as the Duty Roster of Para-Legal Staff for the Summer-Vacations be requisitioned for 17.02.2016.</p> <p><u>Note No. 2</u> 17.02.2016</p> <p>Register pertaining to Copying Branch, Swabi and Duty Roster of the Para-Legal Staff during Summer Vacations, 2015 received. The relevant entries of the <i>ibid</i> Register reveals that the attested copies of these <i>wakalatnamas</i> have been issued under the signature of Imran Ullah, Junior Clerk whereas the Duty Roster depict that on the same day, Mr. Muhammad Riaz, Assistant /E.C & Waqas Masih, Sweeper were scheduled for urgent duties & management of the office of Sessions Division, Swabi, therefore, a question arises that when Imran Ullah, Junior Clerk was on summer vacations, how he is shown to have issued the attested copies of <i>Wakalatnamas</i> under his signature. Mr. Imran Ullah, J.C & Waqas Masih is directed to submit written explanation that how the attested copies of the <i>Wakalatnamas</i> in issue were provided to the candidates /advocates when the same were not existing on original case records. Both these officials are directed to submit their written explanations separately within 07 days of its receipt positively failing which it would be presumed that they have nothing in their defence and as such they will be proceeded against per the Civil Servants (Efficiency & Discipline) Rules, 2011. Matter in hand be put on 25.02.2016."</p> <p>3. The replies of accused officials were found unsatisfactory on 26.02.2016. The then AD&SJ-II Mr. Asif Rashid was appointed for preliminary inquiry in the matter accordingly. The said officer, vide order dated 23.06.2016, found as follows;</p>

ATTESTED
15 JUL 2021
Examiner Copying Dept.
Sessions Court Swabi

[Handwritten signature]
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O:11
(Continued)

"..... Perusal of the record and statements available on file would show that, prima facie, case against the delinquent officials exist which require full-fledged inquiry against them under the relevant rules, therefore, with this observation, the preliminary inquiry file is sent to the Hon'ble Sessions Judge Swabi for necessary order. Moharrir of this court is directed to do the needful accordingly."

4. The learned predecessor in office issued separate charge sheet dated 24.03.2017 to both the accused official namely Waqar Masih and Imranullah. The AD&SJ-II was appointed as Inquiry Officer in the matter vide letter No. 1037(F-41)/D&SJ dated 25.03.2017. The said Inquiry Officer, vide order dated 31.03.2017, returned the file with the remarks that he was legally debarred from conducting formal inquiry in the matter. The inquiry was then entrusted to AD&SJ-III Swabi vide order dated 08.04.2017 who informed, vide No. 270 dated 11.04.2017, that one the accused official was attached with her court and for the interest of justice etc it would be most appropriate to conduct the inquiry through another officer. Consequently the matter was marked for inquiry to Mr. Usman Bashir vide order dated 11.04.2017 endorsed on the margin of letter in question. The learned Inquiry Officer remained engaged with the matter till 29.05.2019 whereafter he was replaced by his successor who further took his time to conclude the inquiry vide report dated 04.03.2021 received at this end on 09.03.2021.
5. Accused official Imranullah (Junior Clerk) was absolved vide order dated 18.03.2021 in agreement with the conclusion drawn by Inquiry Officer. Formal exoneration order in this respect was issued vide No. 2497-100(F-41)/D&SJ dated 17.04.2021. Accused official Waqas Masih was issued show cause notice, in terms of Rule-14(4), vide No. 2495-96/(F-41)/D&SJ dated 17.04.2021.
6. Reply of accused official Waqas Masih was filed on 26.04.2021. He was afforded personal hearing on 02.06.2021 and 17.06.2021. Registers of copying branch for the year 2014 and 2013 were also examined, on the request and in presence of the accused official, on 17.06.2021.
7. It would transpire that the accused official, during various statements /replies submitted in the course of inquiry, never denied to have signed the documents issued as attested copies. However according to Para-2 of his initial reply dated 31.03.2017 it was stressed that photocopies of the relevant documents were produced to him after having been attested by the attester. Accused official has been categorically denying the charges of forgery. Perusal of record would transpire that there is no attester of the impugned photocopies other than the accused official himself. It is also an admitted position that he attested the said copies of wakalatnamas on production by applicant clerk counsel Asif. The documents for attestation were not handed over /delivered to the accused official

District

ATTESTED
15 Oct 2021
Examiner Copying Dept
Sessions Court Swabi

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15 OCT 2021
10:10:00


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(Continued)

in the official channel. The initials /signatures belonging to the accused official, available on the impugned photocopies and the record of photocopying branch registers, were compared culminating in to observations vide order dated 17.06.2021 as follows;

“..... On comparison it turns out to be arguable whether the accused official issued the impugned attested copies on 08.08.2015 under his own initials /signatures or with the forged initials /signatures of Imranullah the then Incharge of copying branch.”

8. Accused official Waqas Masih, even if given benefit of doubt as regards alleged forgery of signatures in the light of foregoing, may not be absolved of negligence for receiving the documents from a private person (clerk counsel) and issuing the same as attested copy of official record. One may also not remain oblivious of the fact that the accused official (then appointed as sweeper) was entrusted with the clerical assignment for shortage of staff. It is again a considerable aspect of the matter that the underlying formal inquiry, initiated vide letter /order dated 25.03.2017, took almost 4 years to end up in findings dated 04.03.2021.
9. Accused official Waqas Masih is found guilty but entitled for lenient view in the light of reasons discussed above. Minor penalty of withholding increment for two years with effect from December 2021 is imposed against the accused official in terms of Rule-4(1)(a)(ii) of the Rules.
10. Formal office order be put up on the date fixed. The sealed record, sent by AD&SJ-II Swabi vide letter No. 109 dated 30.06.2016, be also traced and placed before the undersigned on 01.07.2021 (12:15 hrs).

Announced
26.06.2021


(Hafiz Naseem Akbar)
District & Sessions Judge,
Swabi

ATTESTED
15 JUL 2021
Examiner Copying Deptt:
Sessions Court Swabi


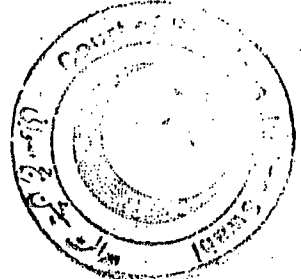
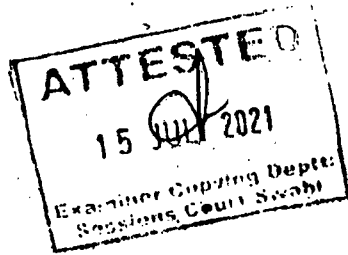


COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 33/Admn of 2021
Date Of Institution: 11.03.2021
Date Of Order: 01.07.2021
Title: Inquiry Against Imranullah Etc

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S.No. & Date of order	Order/Proceeding Sheet
<p align="center">O:12 01.07.2021</p>	<p>1. Formal order under Rule 14(5) of the Khyber Pakhtunkhwa Rules 2011, imposing minor penalty of withholding increment for 2 years with effect from December 2021, has been signed and issued vide No.7287-90/(F-41)D&SJ of the even date. Copy of the same is placed on file.</p> <p>2. The sealed record, sent by AD&SJ-II Swabi vide letter No. 109 dated 30.06.2016, has also been produced by office. The same shall remain in safe custody of the Superintendent Sessions Division till decision of appeal/representation that may be filed by the accused official or till the period prescribed for the same is lapsed. The Superintendent shall seek order in respect of the said record after expiry of the subject period.</p> <p>3. File be consigned to Record Room after necessary completion.</p> <p>Announced 01.07.2021</p> <p align="right">  (Hafiz Naseem Akbar) District & Sessions Judge, Swabi </p> <p align="center">  </p> <p align="center"> Certified to be true copy EXAMINER District & Sessions Judge, Swabi Authorized Under Article 87 of The Qanun-e-Shahadat Order 1984 </p> <p align="center">  </p>

Handwritten signature

S.No of Application _____ **7255**

Date of Presentation of application _____ **03-07-2021**

Date on which copy prepared _____ **15-07-2021**

Date on which copy delivered _____ **15-07-2021**

Total Number of Page(s) _____ **04**

Signature of Copyist _____ **[Signature]**
15-07-2021

Phone # 0938-280372
Fnx # 0938-280117

dsjswabi@yahoo.com
dsjswabi@gmail.com

No. 728790/(F-41) D&SJ

Dated: 01.07.2021

Order Under Rule-14(5)
(KPK Government Servants (Efficiency & Discipline) Rules 2011)


1. The accused official Waqas Maseeh (Junior Clerk/Moharrir), belonging to his establishment, faced disciplinary proceedings in Court File No.33/Admn: of 2021 on the following charges.

i. That he, while posted in Copying Branch of Sessions Division Swabi and on duty during summer vacation, issued on 08.08.2015 attested copies of Wakalatnamā of Syed Mubashir Shah Advocate in a number of decided cases by putting thereon forged signatures of Imranullah Incharge Copying Branch Sessions Division Swabi.

ii. That the accused official, being a government servant, conducted himself in a manner prejudicial to good order/discipline and unbecoming of a gentleman.

2. The accused official has been found guilty and entitled for lenient view, vide detailed order dated 26.06.2021, to the following effect:

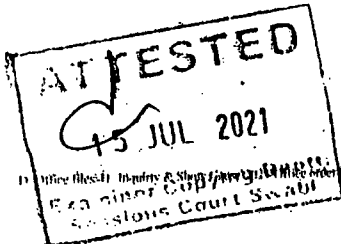
"Minor penalty of withholding increment for two years with effect from December 2021 is imposed against the accused official in terms of Rule-4(1)(a)(ii) of Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011".



Hafiz Naseem Akbar
District & Sessions Judge, Swabi/
Competent Authority

Copy for information and the needful to:

- 1. The accused official by name.
- 2. The District Accounts Officer Swabi
- 3. Service record of the accused official
- 4. Court File No.33/Admn: of 2021


District & Sessions Judge,
Swabi/Competent Authority




District & Sessions Judge,
Swabi/Competent Authority

Annex I

BEFORE THE REGISTRAR PESHAWAR HIGH COURT

PESHAWAR

Departmental Appeal NO _____ of 2021/mercy petition

(63)

Waqas Masih (Moharir) son of James Masih at Judicial Complex Swabi, tehsil and district Swabi

..... (Appellant)

VERSUS

1. District and Sessions Judge Swabi
2. Additional Sessions Judge-IV, Swabi.

..... (Respondents)

=====

MERCY PETITION/DEPARTMENTAL APPEAL AGAINST DECISION OF DISTRICT & SESSIONS JUDGE SWABI DATED 26.06.2021 WHEREBY THE RESPONDANT NO. 01 HAS WITHHOLD TWO INCREMENTS OF 2020 AND 2021.

PRAYER- IN -APPEAL/MERCY PETITION:

On the acceptance of this departmental appeal/mercy petition the decision of Learned District & Sessions Judge may kindly be set aside and two increments of the appellant may kindly be reinstated.

Grounds

1. The decision of learned District & Sessions Judge is against the facts and laws.
2. That inquiry regarding forged Wakalat-Namas issued by Mohafiz Khana, Swabi was initiated in the year 2015.

(69)

3. That the said Wakalat-Namas were issued in the name of one Muhammad Asif clerk of Mubashir Khan Advocate, Swabi. The said wakalat-Namas were required by Mubashir Khan Advocate for ASJ examination.

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ATTACHED

4. That on the completion of inquiry learned District & Sessions Judge, Swabi has ordered to withhold two increments of appellant.

5. That at that time the appellant was working as sweeper and other officials were exempted in the said inquiry.

6. That the salary of the appellant is already very low and withholding of two increments shall create more financial problems.

7. That during inquiry the appellant has made statements on 25.02.2015, 24.03.2017, and 15.06.2017 copies of the same are annexed and the same should be considered as part and parcel of this appeal/merci petition. Similarly the statements of Muhammad Arif, Javed Iqbal, and Asif Adil are annexed and same should be considered as part and parcel of the appeal/merci petition.

8. That appellant is belong to minority and other family members are also working at Judicial Complex Swabi and our services record is clear.

(3)

(65)

9. That the allegations against the appellant were not proved in spite of that fact two increments has been withhold.

10. That the appellant has neither committed any offence nor is he a guilty of any mis-conduct.


It is therefore humbly prayed that on acceptance of this departmental appeal/mercy petition the decision of learned District & Sessions Judge, Swabi dated 26.06.2021 may kindly be set aside and two increments of the appellant may kindly be reinstated.


Dated : .08.2021

Appellant

Waqas Masih

Through Counsel:


Rawil Khan
Advocate High Court
At Judicial Complex Swabi


REGISTERED

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BEFORE THE REGISTRAR PESHAWAR HIGH COURT

PESHAWAR

Departmental Appeal NO _____ of 2021/mercy petition

Waqas Masih (Moharir) son of James Masih at Judicial Complex Swabi, tehsil and district Swabi
..... (Appellant)

VERSUS

District and Sessions Judge Swabi and other
.....(Respondents)

AFFIDAVIT

I, Waqas Masih son of James Masih at Judicial Complex Swabi, tehsil and district Swabi, do hereby solemnly affirm and declare that the contents of the departmental Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court .

Deponent _____
WAQAS MASIH
CNIC NO
Cell No :

Identified by:


RAWIL KHAN Advocate

High Court

At Judicial Complex Swabi



RECEIVED
REGISTRAR
PESHAWAR

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**BEFORE THE REGISTRAR PESHAWAR HIGH COURT
PESHAWAR**

Departmental Appeal NO _____ of 2021/mercy petition

Waqas Masih (Moharir) son of James Masih at Judicial Complex Swabi, tehsil and district Swabi
..... (Appellant)

VERSUS

District and Sessions Judge Swabi and other
.....(Respondents)

ADDRESSES OF PARTIES

Appellant:

Waqas Masih son of James Masih at Judicial Complex Swabi, tehsil and district Swabi

RESPONDENTS:

1. District and Sessions Judge Swabi
2. Additional Sessions Judge-IV, Swabi.

Appellant

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JUDICIAL COMPLEX SWABI

Through

Dated: 5/08/2021

Rawil Khan
RAWIL KHAN

Advocate, High Court

At Judicial Complex Swabi.

Annex 'J' J

68

Phone # 0938-280372
Fax # 0938-280117

dsjswabi@yahoo.com
dsjswabi@gmail.com




The District Judiciary Swabi

No. 2497-100 / (F- 41) D&SJ

Dated: 17. 04. 2021

OFFICE ORDER 16.04.2021


The accused official Imranullah (Junior Clerk), currently attached to the court of AD&SJ-I/MCAC Swabi and having faced disciplinary proceedings before the learned AD&SJ-IV/Inquiry Officer in Court File No. 2/6 of 2017 for connivance with co-accused Waqas Masih (Sweeper) in issuing attested copies of Wakalatnamas through forgery of his signatures, is hereby exonerated in agreement with findings dated 04.03.2021 of the learned Inquiry Officer. This order is issued in terms of Rule-14(3) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.

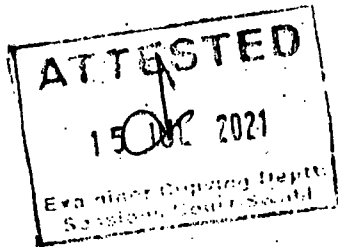

(Hafiz Naseem Akbar)
District & Sessions Judge,
Swabi

Copy for information and the needful to:

1. The Inquiry Officer /AD&SJ-IV Swabi.
2. The official concerned.
3. Service record of the official.
4. Court File No. 33/Admn of 2021.


District & Sessions Judge,
Swabi


ATTESTED



VAKALATNAMA

IN THE SERVICE TRIBUNAL KP, PESHAWAR.

No. _____/2022

69

.....Petitioner.

VERSUS

..... Respondents.

I, the undersigned, do hereby appoint and constitute,

FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on

CLIENT(s)

Wazir Magh
16202-4532958-3

ACCEPTED BY:

FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.